

6888. Also, petition of citizens of the sixth district of Michigan, urging the passage of House bill 11, known as the fair trade act; to the Committee on Interstate and Foreign Commerce.

6889. By Mr. IRWIN: Petition of Davy Martin et al., of Cahokia, Ill., praying for the enactment of legislation in behalf of Civil War veterans and widows of Civil War veterans at this session of Congress; to the Committee on Invalid Pensions.

6890. By Mr. JOHNSON of Texas: Petition of E. W. Crittenden, Houston, Tex., indorsing the Tyson-Fitzgerald bill (S. 777, H. R. 500) for the retirement of disabled emergency officers; to the Committee on Rules.

6891. By Mr. KVALE: Petition of Hanley Falls (Minn.) Chapter No. 85, Izaak Walton League of America, urging enactment of House bill 7361, providing for establishment of a permanent waterfowl refuge in Cheyenne Bottoms, Kans; to the Committee on Agriculture.

6892. By Mr. McKEOWN: Petition of M. Hays and numerous other citizens of Sapulpa, Okla., urging a hearing on House bill 11474; to the Committee on Pensions.

6893. By Mr. O'CONNELL: Petition of the Proportional Representation League, Philadelphia, Pa., favoring the passage of the Lea resolution (H. J. Res. 181), providing for a change by constitutional amendment in the method of electing the President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

6894. Also, petition of the Zenith Butter & Egg Co., New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6895. Also, petition of the National Association of Letter Carriers, Washington, D. C., favoring the passage of the Lehlbach bill (H. R. 25) to amend the Federal retirement act; to the Committee on the Civil Service.

6896. Also, petition of the American Agricultural Chemical Co., New York City, protesting against Muscle Shoals resolution now before the Rules Committee; to the Committee on Rules.

6897. Also, petition of the officers and members of the Joint Conference of Affiliated Federal Employees on Retirement of Greater New York, favoring the passage of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

6898. By Mr. PEAVER: Petition by the members of the Oscar Brask Post, American Legion, at Grantsburg, Wis., urging the enactment of the legislation authorizing the construction and maintenance of a bridge over the St. Croix River between the counties of Burnett, Wis., and Pine, Minn.; to the Committee on Interstate and Foreign Commerce.

6899. Also, petition of the town board of the town of West Marshland, Burnett County, Wis., urging the passage of legislation authorizing the construction and maintenance of a bridge over the St. Croix River between the Counties of Burnett, Wis., and Pine, Minn.; to the Committee on Interstate and Foreign Commerce.

6900. By Mr. QUAYLE: Petition of Newport Post, No. 7, American Legion, of Newport, R. I., urging the passage of House bill 12032; to the Committee on Naval Affairs.

6901. Also, petition of N. C. Kern (Inc.), of Brooklyn, N. Y., opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6902. Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6903. Also, petition of Artistic Lighting Equipment Association, of New York City, opposing the Parks bill (H. R. 6679); to the Committee on the Judiciary.

6904. Also, petition of Zenith Butter & Egg Co., of New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6905. By Mr. WINTER: Resolution from Lower Star Valley Commercial Club, G. A. Newswander, president, Freedom, Wyo.; to the Committee on Roads.

6906. Also, resolutions from the following re House bill 9956: J. A. Landgren, chairman executive committee, Laramie Council of Industry, Laramie; C. O. Brown, president Kiwanis Club, Douglas; A. C. Rork, jr., president the Cody Club, Cody; B. T. Cullen, president Kiwanis Club, Casper; J. Clinton Cox, president Shoshoni Commercial Club, Shoshoni; J. E. McElvain, president Powell Chamber of Commerce, Powell; H. R. Sladen, commander Orin Snyder Post, No. 37, American Legion, Midwest, all in the State of Wyoming; to the Committee on Irrigation and Reclamation.

6907. By Mr. WYANT: Petition of Lodge America, No. 735, Sons of Italy in America, by Vincent di Pasquale, secretary, favoring joint resolution proclaiming October 12 as Columbus Day; to the Committee on the Judiciary.

6908. Also, petition of Home Lodge, No. 942, Independent Order of Odd Fellows, of Derry, Pa., by Charles J. Hammer, recording secretary; to the Committee on the Post Office and Post Roads.

6909. By Mr. YON: Petition of Laura Williams, of Estifanulga, Fla., and 14 other citizens, urging Congress to increase pensions of Civil War veterans; to the Committee on Invalid Pensions.

6910. Also, petition of L. G. Hanks and 35 other citizens of Escambia County, Fla., urging that the immigration laws be made more drastic, deportation quicker; to the Committee on Immigration and Naturalization.

6911. Also, petition of J. W. White, of Campbellton, Fla., and 16 other citizens, urging Congress to increase pensions of Civil War veterans; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, April 18, 1928

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

Let Thy merciful ears, O gracious and Heavenly Father, be open to the prayers of Thy people who come to Thee. Endue their souls with such a realization of Thy all-seeing eye, before which all hearts are open and all desires known, as shall hallow and purify all their occupations and activities. Especially in behalf of those whom Thou hast intrusted with the affairs of state and who sit in the halls of legislation, we pray that their minds may ever be enlightened and their wills clarified and directed by the consciousness of that Thy searching presence, that so all things by their endeavors may be established on the best and surest foundations. Grant this, O Father, for Jesus Christ's sake. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (H. R. 11723) to provide for the paving of the Government road, known as the La Fayette Extension Road, commencing at Lee & Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor to Lieut. Col. William J. Sperry.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Shipstead
Bayard	George	McLean	Shortridge
Black	Gerry	McMaster	Simmons
Blaine	Glass	McNary	Smith
Blease	Goff	Mayfield	Smoot
Borah	Gould	Metcalf	Steiwer
Bratton	Greene	Moses	Stephens
Brookhart	Hale	Neely	Swanson
Broussard	Harris	Norbeck	Tydings
Bruce	Harrison	Norris	Tyson
Capper	Hawes	Oddie	Vandenberg
Caraway	Hayden	Overman	Wagner
Couzens	Heflin	Phipps	Walsh, Mass.
Curtis	Johnson	Pine	Walsh, Mont.
Cutting	Jones	Pittman	Warren
Dale	Kendrick	Ransdell	Waterman
Dill	Keyes	Reed, Pa.	Wheeler
Edge	King	Sackett	
Fess	La Follette	Schall	
Fletcher	Locher	Sheppard	

Mr. NORRIS. I desire to announce that the Senator from North Dakota [Mr. NYE] is engaged in the Committee on Public Lands and Surveys.

I also desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness in his family.

Mr. CARAWAY. I desire to state that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate by illness.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

MEMORIAL STATUE OF CARDINAL GIBBONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 72) to grant permission for the erection of a memorial statue of Cardinal Gibbons, which were, on page 1, line 3, to strike out "Chief of Engineers, United States Army," and insert "Director of Public Buildings and Public Parks of the National Capital"; and on page 2, line 7, to strike out "Chief of Engineers" and insert "Director of Public Buildings and Public Parks of the National Capital."

Mr. FESS. I move that the Senate concur in the House amendments.

The motion was agreed to.

MISSOURI RIVER BRIDGE AT NEBRASKA CITY, NEBR.

Mr. NORRIS. Mr. President, I ask the Chair to lay before the Senate House bill 11887, a bridge bill from the House of Representatives.

The bill (H. R. 11887) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr., was read twice by its title.

Mr. NORRIS. A similar bill in identical terms was introduced in the Senate by my colleague, the junior Senator from Nebraska [Mr. HOWELL]. The committee to which it was referred has reported the bill, recommending that it pass without amendment. That bill is now on the calendar. I ask unanimous consent that the House bill be substituted for the Senate bill and that the House bill be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill H. R. 11887, which was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Interstate Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Nebraska City, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Interstate Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and

the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Interstate Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Interstate Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Iowa, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Interstate Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Interstate Bridge Co., its successors and assigns, and any corporation to which or any person to whom such right, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NORRIS. I ask that Senate bill 3843, of the same title, be indefinitely postponed.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, Senate bill 3843 will be indefinitely postponed.

OCMULGEE RIVER BRIDGE, GEORGIA

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 837, House bill 11203, a bridge bill in the ordinary form, which has been passed by the House and reported favorably by the Senate Committee on Commerce.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11203) granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville Ferry in Telfair and Coffee Counties, Ga., which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Telfair and Coffee, State of Georgia, to construct, maintain, and operate a free highway bridge across the Ocmulgee River at a point suitable to the interests of navigation at or near the present Jacksonville Ferry in Telfair and Coffee Counties, Ga., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNUAL REPORT OF THE PUBLIC PRINTER

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, transmitting the annual report of the operations of the Government Printing Office for the fiscal year ended June 30, 1927, and the calendar year 1927, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS

Mr. PHIPPS presented letters and telegrams in the nature of petitions from the Medical Society of the city and county of Denver, the Delta County Medical Society, the American Society of Clinical Pathologists, and numerous physicians, all in the State of Colorado, praying for the adoption of the so-called Robinson amendment to House bill 1, the tax reduction bill, so as to permit deduction for income-tax purposes of expenses in attending medical meetings, which were referred to the Committee on Finance.

Mr. JONES presented a petition numerously signed by sundry citizens of the State of Washington, praying for repeal of the national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

Mr. BROOKHART presented a memorial signed by J. A. Field, secretary Izaak Walton League of America, of Des Moines, and sundry other citizens of Des Moines, in the State of Iowa, remonstrating against the passage of Senate bill 1271, the so-called migratory bird bill, which was ordered to lie on the table.

Mr. WARREN presented resolutions adopted by the chamber of commerce of Powell, and Orin Snyder Post, No. 37, American Legion, of Midwest, both in the State of Wyoming, favoring the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

He also presented a resolution adopted by Travis Snow Post, No. 5, American Legion, of Torrington, Wyo., favoring the passage of legislation to increase the strength of the Navy, which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by Travis Snow Post, No. 5, American Legion, of Torrington, Wyo., favoring the passage of the so-called Box bill, being House bill 6465, placing immigration from countries therein designated on a quota basis, etc., which was referred to the Committee on Immigration.

PERSONAL EXPLANATION—TAX REDUCTION

Mr. SHIPSTEAD. Mr. President, I rise to a question of personal privilege. I desire to call the attention of the Senate to an editorial appearing in the Washington Post of this morning, and I ask unanimous consent that it may be printed in the Record at the close of my remarks.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

Mr. SHIPSTEAD. The editorial refers to amendments proposed to the revenue bill. An amendment was presented by myself the other day proposing to raise the tariff on certain agricultural products. It is well known that the Washington Post is looked upon as spokesman for the administration. In this editorial it is intimated that a conspiracy has been entered into to prevent the tax reduction bill from being passed. Among other things, the editorial says:

The latest proposal—

To hamper tax legislation, of course—

sponsored by Senator SHIPSTEAD, of Minnesota, is evidently designed only as an embarrassment.

As a matter of fact, Mr. President, I had not consulted any Member of the Senate about the submission of the amendment. It was submitted at the request of very many people in Minnesota who are engaged in the occupation of agriculture, who stated that such products as potatoes and rutabagas are forced down in price because of the flow of similar agricultural products into the Northwest from Canada, and that there are also large importations of vegetable oils which come in competition with our dairy products.

I resent the imputation that the amendment was not offered in good faith. The slogan of the Congress, of the country, and of all political parties has been that a parity shall be established between agriculture and industry. Congress has so far refused to reduce the tariff schedules on manufactured products of industry, and Congress will now have an opportunity to raise the tariff duties on agricultural products to a parity with those on the products of industry.

The amendment was not submitted for the purpose of hindering the passage of the so-called tax bill, the revenue measure. It is not true that it was submitted as a result of any conspiracy of any Member of Congress with me to hamper the passage of the tax bill. Farmers are not concerned much with a reduction of income taxes, because their income is so small they do not pay this tax anyway. Has it come to pass that it is considered to be antagonistic to a Republican administration to propose to raise the tariff? Has it come to a situation where a proposition to raise the tariff is considered heretical doctrine by a Republican administration, or is it only heresy when it applies to agriculture? How do you know the President will veto a bill increasing the tariff on a few agricultural products?

We know, and it is admitted by the advocates of the McNary-Haugen bill, that it would be worthless without a tariff. It is hooked up with the tariff; the very foundation of it is the tariff. It will be ineffective and useless without tariff schedules to protect agriculture from the influx of agricultural products, now amounting to two and one-half billion dollars. So even though Congress may pass the McNary-Haugen bill, and the President may sign it, that measure will to a large extent be useless unless tariff schedules are raised on certain agricultural products. Everyone who knows anything about that subject at all knows that.

I wish again to say that it is an unfair imputation to say that this amendment was not submitted in good faith. I have had correspondence with hundreds of farmers in Minnesota who have asked for relief from the influx of agricultural products into the Northwest. I introduced the amendment for them. The amendment, if adopted, would afford a remedy, and I am very much surprised that a Republican newspaper should charge me with being sponsor of an antiadministration measure because I propose to raise the protective tariff on agricultural products.

The editorial from the Washington Post of April 18, 1928, which was ordered printed in the Record, is as follows:

TAX REDUCTION AND POLITICS

Tax reduction bids fair to meet a political death at the present session of Congress. There are increasing signs that enemies of the administration intend to make certain that any revenue revision measure passed will be unacceptable to the President. The theory of the anti-administration strategy appears to be that the Republican Party will be weakened if it fails to bring about some cut in the present schedule of taxation.

The latest proposal sponsored by Senator SHIPSTEAD, of Minnesota, is evidently designed only as an embarrassment. A "rider" to the tax reduction bill providing for increased duties on farm products may attract considerable Democratic and Progressive support, but it would not be approved by President Coolidge. The tariff can not be considered in any such piecemeal fashion. The structure of tariff legislation is too complicated and interdependent for any such procedure to be followed. Many Members of Congress know this, but they are more intent upon making political capital than drafting legislation.

Considered in the light of traditional Democratic policy on tariff matters, there ought to be no support from the minority party for tariff revision upward. In this instance the Shipstead plan affords the Democrats the best opportunity they have yet seen to prevent sound tax reduction. The Progressives, more particularly in the Senate, have not been inclined to support a tax cut. Their view is that any surplus which may result from the existing revenue laws should be applied to the debts. They may, however, be swung over to the Democratic theory of tax revision, declared unsound by the Treasury, in order to gain increased duties for agriculture. But, with the House safely Republican, it is not to be expected that the tariff will be revised as an incident to tax reduction.

Mr. SHIPSTEAD's amendment to House bill No. 1, submitted by him on the 16th instant, was also, on his request, ordered to be printed in the RECORD, and it is as follows:

Amendment intended to be proposed by Mr. SHIPSTEAD to the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, viz: On page 225, after line 19, insert the following new title:

TITLE VIII.—THE TARIFF

SEC. 801. AMENDMENTS TO TARIFF ACT OF 1922

(a) Paragraphs 85, 707, 708, 709, 710, 711, 712, 713, 723, 760, 761, 769, 771, and 777 of the tariff act of 1922 are amended to read, respectively, as follows:

"PAR. 85. Starch: Potato, 3 cents per pound; and all other starches not specially provided for, 1 cent per pound."

"PAR. 707. Milk, fresh, 6½ cents per gallon; sour milk and butter-milk, 3 cents per gallon; cream, 60 cents per gallon: *Provided*, That fresh or sour milk containing more than 7 per cent of butterfat shall be dutiable as cream, and cream containing more than 45 per cent of butterfat shall be dutiable as butter."

"PAR. 708. Milk, condensed or evaporated: In hermetically sealed containers, unsweetened, 4 cents per pound, sweetened, 4½ cents per pound; all others, 4 cents per pound; whole-milk powder, 9 cents per pound; cream powder, 10 cents per pound; and skimmed-milk powder, 4 cents per pound; malted milk, and compounds or mixtures of or substitutes for milk or cream, 40 per cent ad valorem."

"PAR. 709. Butter, 16 cents per pound; oleomargarine and other butter substitutes, 8 cents per pound."

"PAR. 710. Cheese and substitutes therefor, 7½ cents per pound, but not less than 40 per cent ad valorem."

"PAR. 711. Birds, live: Poultry, 9 cents per pound; all other, valued at \$5 or less each, 50 cents each; valued at more than \$5 each, 20 per cent ad valorem."

"PAR. 712. Birds, dead, dressed or undressed: Poultry, 12 cents per pound; all other, 8 cents per pound; all the foregoing, prepared or preserved in any manner and not specially provided for, 45 per cent ad valorem."

"PAR. 713. Eggs of poultry, in the shell, 14 cents per dozen; whole eggs, egg yolk, and egg albumen, frozen or otherwise prepared or preserved, and not specially provided for, 10 cents per pound; dried whole eggs, dried egg yolk, and dried egg albumen, 30 cents per pound."

"PAR. 723. Buckwheat, hulled or unhulled, 40 cents per 100 pounds; buckwheat flour and grits or groats, one-half of 1 cent per pound."

"PAR. 760. Oil-bearing seeds and materials: Castor beans, one-half of 1 cent per pound; flaxseed, 80 cents per bushel of 56 pounds; copra, 3 cents per pound; poppy seed, 32 cents per 100 pounds; sunflower seed, 2 cents per pound; apricot and peach kernels, 3 cents per pound; soya beans, one-half of 1 cent per pound; cottonseed, one-third of 1 cent per pound."

"PAR. 761. Grass seeds: Alfalfa, 8 cents per pound; alsike clover, 8 cents per pound; crimson clover, 3 cents per pound; red clover, 8 cents per pound; white clover, 8 cents per pound; clover not specially provided for, 6 cents per pound; millet, 1 cent per pound; timothy, 2 cents per pound; hairy vetch, 2 cents per pound; spring vetch, 1 cent per pound; all other grass seeds not specially provided for, 2 cents per pound: *Provided*, That no allowance shall be made for dirt or other impurities in seed provided for in this paragraph."

"PAR. 769. White or Irish potatoes, 80 cents per 100 pounds; dried, dehydrated, or desiccated potatoes, 2½ cents per pound; potato flour, 2½ cents per pound."

"PAR. 771. Turnips, 50 cents per 100 pounds."

"PAR. 777. Hay, \$6 per ton; straw, \$1 per ton."

(b) Paragraph 1626 of such act is amended to read as follows:

"PAR. 1626. Oil-bearing seeds and nuts: Hempseed, palm nuts, palm-nut kernels, tung nuts, rapeseed, perilla, and sesame seed; seeds and nuts, not specially provided for, when the oils derived therefrom are free of duty."

SEC. 802. EFFECTIVE DATE OF TITLE

This title shall take effect on the day following the date of the enactment of this act.

Mr. HARRISON. Mr. President, of course there is no agreement between the Senator from Minnesota [Mr. SHIPSTEAD] and the Democrats with reference to the amendment which he has offered; and I rise to express my appreciation of the statement given to the press on yesterday by the senior Senator from North Carolina [Mr. SIMMONS], the ranking Democrat on the Finance Committee, with reference to his views touching that amendment.

There was passed in the House of Representatives before Christmas, and labeled House bill No. 1, the revenue bill, seeking to give some tax reduction to the American people at an early date. The bill, as has been stated upon the floor of the Senate and in the House of Representatives, was labeled House bill No. 1 because the leadership in that body thought that should be the first bill passed by the Congress. That bill has

remained in the Committee on Finance without final action since last year. For now about three weeks the Committee on Finance of the Senate has been considering the provisions of that bill with the idea of trying to get together upon it and report it to the Senate as early as possible. It now seems that the Finance Committee will report the bill to the Senate early next week. I hope when that report shall have been made that the leadership of this body will steer the bill to early consideration by the Senate. I am sure that this side of the aisle will approve the statement of the Senator from North Carolina that he hopes that nothing will arise in the consideration of that proposed legislation that might embarrass it or defeat tax reduction.

I concede to no Senator here greater enthusiasm for the early consideration of tariff reform or tariff revision legislation. I wish that the House of Representatives during the present session had given consideration to the inordinately high tariff duties on many articles, and, possibly, to the too low duties upon certain other articles, and had passed a tariff revision measure so that the Senate might have considered it; but, of course, under the Constitution, the Senate is not permitted to originate tariff legislation. I wish that we might consider the tariff question in the Senate as a rider upon some bill, but not a bill of the importance of the internal revenue tax reduction measure. That bill, Mr. President, being House bill No. 1, is too important; it means too much to the American taxpayer for us to attempt tariff revision upon it. We know that the Executive would veto any legislation which might be engrafted upon the tax reduction bill that might not meet his views. So it seems to me the wise thing to do, when the Senate Finance Committee shall report the revenue bill, will be to eliminate tariff considerations from it, and confine the discussion to the rates that are in the bill and to its administrative features, so that when the bill shall finally be put into the form in which it will go to the President he will have to write his veto or approval upon that proposition alone.

I hope the Senate will agree with the minority members of the Finance Committee that we can give a greater tax reduction to the people at this time than the Treasury now thinks it wise to give them. The Treasury Department has gradually revised its estimates from this amount to that amount quarterly during the year until now it states that internal-revenue taxation should not be reduced below \$200,000,000. I want to put into the RECORD, so that not only the Senators may read it, but the country may read it as well, the views as to the Government estimates and as to how great a reduction the Treasury will stand as expressed to the Finance Committee by the representatives of the United States Chamber of Commerce. I believe that their views are sounder than those expressed by the Undersecretary of the Treasury, Mr. Mills, representing the Treasury Department; and I hope when the bill shall finally go to the President for his approval or disapproval that it will give to the American taxpayer a reduction of at least \$300,000,000.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from Mississippi will be printed in the RECORD.

The matter referred to is as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES,
Washington, April 12, 1923.

Hon. REED SMOOT,

Chairman Committee on Finance, United States Senate.

DEAR SENATOR SMOOT: Responding to your invitation, I have the honor to present the position of the Chamber of Commerce of the United States on Federal tax reduction.

Since its organization in 1912, the chamber with committees composed of outstanding business executives and economists has continuously studied and from time to time submitted to its membership for referendum vote, questions on the fiscal policies of the Government, without regard to changing governmental administrations.

The essential function of the chamber is to develop and present non-partisan principles which are in the public interest. Facts are ascertained through careful investigation by representative committees and after full consideration and deliberate vote of our member chambers of commerce and trade associations throughout the country the position of the national chamber is determined.

The chamber's war record of taxation policies has a direct relation to the policies the chamber now urges for the reason that by an overwhelming vote of its membership, effective soon after the declaration of war, the chamber immediately urged a large increase in income taxes, the imposition of excess-profit taxes, and new and heavy excise taxes.

This position was in support of the principle that the largest possible part of war cost should be met through current taxation in order that during the inevitable readjustment of postwar years the tax burden might be more quickly lightened.

This policy was adopted by the Government and the war thus was financed, but since the war full application of the principle has not been made and taxes have continued out of proportion to the needs of the Government for current expenses and for amounts specified by Congress to be used in debt retirement.

Our latest taxation referendum, No. 50 (October last), was carried by the largest vote in the history of the chamber. I am attaching this referendum showing the personnel of the chamber's committee, together with their report, and a tabulation of the names of the organizations which voted upon it and how they voted.

The officers of the national chamber are therefore charged with advocating:

1. Reduction of the corporation income tax to not more than 10 per cent.
2. Repeal of the remaining war excise taxes on particular businesses.
3. Repeal of the Federal inheritance tax.

These proposals were presented by the chamber's tax committee to the Committee on Ways and Means, November 1, 1927.

The revenue bill which passed the House of Representatives on December 15 has been held in the Senate committee now four months. In this period our committee has had no reason to change its views in regard to the revenues of the Government for the fiscal year 1929 on any facts or developments which have arisen in the interval.

The national chamber has steadily advocated return to a peace-time taxation basis. Its recommendations have included for two years the repeal of the Federal inheritance tax, for four years the reduction of the corporation income tax, and for seven years the repeal of the war excise taxes. Two years ago it opposed the increase of the corporation income tax from 12½ per cent to 13½ per cent, now demonstrated to have been unnecessary.

The taxation recommendations of the chamber at previous sessions of Congress are demonstrated to have been entirely feasible and possible, as shown by the following table indicating the total amounts of actual debt retirement in recent years and the sources from which these amounts of retirement were made possible.

Funds used for debt retirement

	Compulsory (required by law gradually increasing each year)	Permissive		Actual retirement
		Interest from foreign governments	Year-end Treasury surpluses	
1924.....	\$289,000,000	\$159,000,000	\$505,000,000	\$1,098,000,000
1925.....	306,000,000	160,000,000	250,000,000	1,754,000,000
1926.....	322,000,000	160,000,000	377,000,000	1,872,000,000
1927.....	359,000,000	160,000,000	635,000,000	1,133,000,000

¹ Includes an amount obtained through reduction in the balance in the general fund

Over one-fourth of the income of the National Government—that is, \$1,133,000,000—during the fiscal year ending June 30, 1927, was applied to debt retirement. This is more than three times the statutory requirements for debt reduction. Nearly as much will be used to reduce the national debt this year should no tax bill be passed.

After careful consideration Congress passed legislation providing for the retirement of the national debt in an orderly manner. If it is the judgment of the American people that the debt should be retired more rapidly, Congress would undoubtedly pass legislation increasing the statutory rate of debt reduction.

ESTIMATES FOR 1929

The national chamber believes that the official estimate of receipts for the year ending June 30, 1929, are low by a considerable figure.

CORPORATION INCOME TAX

We find that corporations showing any net income for 1925 had an aggregate of \$9,340,000,000 in taxable income and showed on their returns a tax liability of \$1,170,000,000 at a rate of 13 per cent. Through data published by the Treasury in December, 1927, it is demonstrated that the total taxable income shown by corporations for 1926 taxable year was increased over 1925 by at least \$200,000,000, or to \$9,540,000,000. On this figure, therefore, at the rate of 13½ per cent, the total corporate tax due, according to the 1926 returns, would seem to be at least \$1,242,000,000. It has now become evident that the tax liability shown by corporations upon their returns for 1927 will not vary substantially from the tax liability for 1926.

From these amounts due, however, the official estimates are that only \$1,120,000,000 was collected in 1927 fiscal year, that \$1,120,000,000 will be collected in the 1928 fiscal year, and that \$1,120,000,000 will be collected in 1929 fiscal year. In other words, regardless of the nature of the income tax and the undoubted growth in the volume of business, a "fixed" estimate is used for the receipts from a source yielding a good third of the total revenue receipts of the Government. It would seem reasonable to assume that, granted that business conditions in 1928 calendar year remain in general at a parity with the business conditions of 1927, receipts in 1929 fiscal

year from current corporation tax at a rate of 13½ per cent would exceed the official estimate of \$1,120,000,000 by at least \$100,000,000.

It has been pointed out that these figures do not show actual collections made but only taxes due. If this criticism is accepted, the Treasury's estimated basis of the loss of \$90,000,000 figured upon the same data for the reduction of the rate of corporate income tax by 1 point—that is, from, say, 13½ per cent to 12½ per cent—is too high.

BACK TAXES

There is no public record over a period of years of the actual collections made from corporations within each fiscal year of the taxes shown upon the returns as filed, or any public record of the part of the tax shown upon the returns on which there was delinquency with payment in subsequent years, or any public record of the amounts collected from corporations through assessment of taxes additional to those shown upon the returns.

A very large total is involved in so-called "back taxes" which fall into the following categories:

First. Uncontested claims which are merely delinquent in payment.
Second. Claims for additional taxes pending in the Internal Revenue Bureau which may be settled there.

Third. Claims for additional taxes which have been sent from the Internal Revenue Bureau to the Board of Tax Appeals on the appeal of the taxpayer.

Fourth. Unpaid claims for additional taxes involved in cases before the courts.

The first must naturally be the amount between the total tax liability admitted on income returns filed by taxpayers and the receipts from taxpayers at the close of the fiscal year.

Upon the second there is no public record of the total amount. One large accounting firm advises that Government claims of this character against their clients now pending in the Internal Revenue Bureau total \$100,000,000, and it is, therefore, apparent that the aggregate of all such claims in that bureau must amount to a very large sum, at least several hundred million dollars.

Upon the third the claims before the Board of Tax Appeals now amount to \$685,000,000—the greatest total in the history of the board—an increase of \$80,000,000 since October, 1927.

The cases under the fourth category, while involving considerable amounts in additional taxes, are particularly important in that the decisions of the courts will be precedents which may determine the outcome of the Government's claims under the second and the third.

The records show that collections from "back taxes" were—
In 1926..... \$285,000,000
In 1927..... 331,000,000

The official estimate of last November of revenue from this source of \$180,000,000 which has recently been increased by \$40,000,000 to \$220,000,000 for the fiscal year 1929, is lower by \$111,000,000 than the \$331,000,000 of 1927, above, which to the chamber does not seem reasonable.

The official statements would seem to mean that in the \$220,000,000 now estimated as receipts from "back" taxes in 1929 fiscal year there are \$100,000,000 of these delinquent "current" taxes.

In other words, it would seem that in the official estimate there are only \$120,000,000 of receipts from claims for additional taxes for all preceding years. Without stopping to cite official testimony as to the amounts of additional taxes assessed and collected for a period within the last 12 months, it seems sufficient to point out that if only \$120,000,000 in additional taxes are collected in the fiscal year of 1929 these collections will not be sufficient to offset tax refunds, which are officially estimated to amount to \$138,000,000. It is only reasonable to assume that the Government is receiving from its additional tax claims an amount in excess of the refunds made.

OFFICIAL ESTIMATES

In December, 1927, the official estimate of the surplus for 1929 fiscal year was \$252,000,000. On April 3, 1928, this estimate was so changed as, upon a comparable basis, to be \$297,000,000.

This revision has taken place three months in advance of the opening of the fiscal year of 1929. At the time of the opening of the fiscal year of 1928, now current, the official estimate was that the surplus at the end would be approximately \$200,000,000. In December, 1927, when the year was almost half run, the estimate was increased to \$454,000,000.

Table A (appended) shows that without exception for each of the past five years the official estimates of receipts have been underestimates by wide margins and that the estimates of expenditures have been overestimates.

It shows, too, that the actual surpluses have exceeded estimates made only six months before the close of each fiscal year in amounts ranging from \$100,000,000 to nearly \$600,000,000—in the last year, \$252,000,000.

RECENT OFFICIAL RECOMMENDATIONS AS TO TOTAL TAX CUTS

In connection with each of the past three revisions of the revenue act there have been official recommendations as to the total amount of tax cut that could not be exceeded.

The following shows that each of these recommendations was greatly under the actual tax cuts made by Congress and, still, large surpluses resulted:

	Cut recommended by the Treasury	Cut passed by Congress ¹	Surplus current year	Surplus year following
Revenue act, 1926.....	\$300,000,000	\$422,000,000	\$377,000,000	\$635,000,000
Revenue act, 1924.....	323,000,000	519,000,000	505,000,000	250,000,000
Revenue act, 1921.....	372,000,000	663,000,000	313,000,000 (1922)	309,000,000 (1923)

¹ The amounts of these reductions are variously computed. The figures in this column are estimates appearing in the Budget message of December, 1927.

² The first recommendation of the Treasury was that taxes should be increased, and not decreased.

EFFECT OF CHAMBER'S PROGRAM ON 1928 (FISCAL YEAR)

The following table shows the effect of the national chamber's program for tax reduction in the fiscal year 1928:

Official estimate, surplus as of June 30, 1928.....	\$401,000,000
War excise and estate tax repeal as of July 1, 1928.....	No effect.
Corporation tax rate reduced to 10 per cent on 1927 incomes would cut receipts of present fiscal year by not more than.....	150,000,000

Treasury surplus June 30, 1928, after cut of 10 per cent..... 251,000,000

[NOTE.—It is discretionary with the Secretary of the Treasury by law to carry such surplus to general fund for ordinary expenditures in next fiscal year or for debt retirement.]

EFFECT OF CHAMBER'S PROGRAM ON 1929 (FISCAL YEAR)

As has been shown, the national chamber's committee believes that the official estimates of receipts for the fiscal year 1929 are still too low by more than \$100,000,000. Moreover, the chamber's committee has pointed out that there will be available approximately \$400,000,000 for current expenses should an actual need arise. Approximately \$160,000,000 of this is in interest received from foreign governments which can be used for current expenses of the Government instead of being used, as heretofore, for debt retirement. Added to this would be a sum up to \$250,000,000 from the surplus of June 30, 1928, carried into the new year.

Even though the official estimates are taken to be correct, the national chamber's program is well within the principles of sound finance, as is shown below:

Amount which can be carried forward from surplus of 1928.....	\$251,000,000
Official estimate of 1929 surplus (with present tax rates) \$297,000,000, less provision for new and unbudgeted expenditures of \$85,000,000.....	212,000,000
Receipts from foreign-loan interest.....	160,000,000
Less chamber's program of elimination and cut.....	623,000,000
Surplus, year end.....	394,000,000
Surplus, year end.....	229,000,000

From the above it is apparent that it would be unnecessary to devote the \$160,000,000 of interest payments from foreign governments to current expenditures, but the amount would be available for debt retirement and still leave a surplus of \$69,000,000.

BUDGETARY PROCEDURE

Since its first referendum in 1912, and without abatement after the congressional legislation of 1921 establishing the Bureau of the Budget, the chamber has been an outstanding advocate of proper budgetary procedure in the fiscal operations of the Government.

The chamber has always contended that the revenue side of the Budget of the National Government should each year properly provide for the expenditure side.

In support of budgetary procedure the chamber has always contemplated the desirability of one centralized control over estimates both of receipts and expenditures in order adequately to present to the Congress and the country a properly balanced Budget of income and expenditures instead of, as at present, having the expenditure estimates presented by one agency of the Government and the income estimates by another.

The chamber has been a consistent advocate of economy in government and gives due recognition to the record of Congress during the last six years in keeping appropriations within the figures recommended by the President in his Budget messages.

The chamber has never hesitated to advocate and wholeheartedly support reasonable measures of taxation which will produce revenue sufficient to discharge all of the proper obligations of the Government arising out of legitimate governmental activities, whether special or recurring.

The national chamber recognizes that it is the province of Congress to fix the rates of taxes and to set the amount to be raised by taxation, as well as to fix the amount of debt reduction.

We place before you the facts as we find and see them, the well-considered opinion of our members, representing every section of the

country and every type of business and industry, in a sincere desire to help you in the consideration of an intricate question which affects the economic welfare of the Nation.

TABLE A.—Government revenues, showing variations between actual revenues and expenditures and official estimates (In thousands of dollars)

Fiscal year ending June 30	Actual	Estimates	Dates of estimates	Increase (+) or decrease (−) of actual over estimates
TOTAL ORDINARY RECEIPTS				
1923.....	\$3,841,926	\$3,338,182	December, 1921.....	+ \$303,744
		3,073,825	June, 1922.....	+768,101
		3,429,862	December, 1922.....	+412,064
1924.....	4,012,044	3,361,812	do.....	+650,232
		3,638,489	June, 1923.....	+373,555
		3,894,677	December, 1923.....	+117,467
1925.....	3,780,148	3,603,762	do.....	+176,386
		3,579,831	June, 1924.....	+200,317
		3,601,968	December, 1924.....	+178,180
1926.....	3,962,755	3,641,293	do.....	+321,460
		3,686,642	June, 1925.....	+276,113
		3,880,716	December, 1925.....	+82,039
1927.....	4,129,394	3,824,530	do.....	+304,864
		3,779,769	June, 1926.....	+349,625
		4,026,780	December, 1926.....	+102,614
EXPENDITURES PAYABLE FROM ORDINARY RECEIPTS				
1923.....	3,532,269	\$3,505,754	December, 1921.....	+26,515
		3,896,258	June, 1922.....	−363,989
		3,703,801	December, 1922.....	−171,532
1924.....	3,506,677	3,180,843	do.....	+325,834
		3,668,534	June, 1923.....	−161,857
		3,565,038	December, 1923.....	−58,361
1925.....	3,529,643	3,298,080	do.....	+231,563
		3,554,891	June, 1924.....	−25,248
		3,534,083	December, 1924.....	−4,440
1926.....	3,584,987	3,267,551	do.....	+317,436
		3,375,671	June, 1925.....	+209,316
		3,618,675	December, 1925.....	−33,688
1927.....	3,493,584	3,494,222	do.....	−638
		3,593,472	June, 1926.....	−99,888
		3,643,701	December, 1926.....	−150,117
SURPLUS OR DEFICIT				
1923.....	+309,657	−167,571	December, 1921.....	+477,226
		−882,433	June, 1922.....	+1,192,090
		−273,638	December, 1922.....	+583,595
1924.....	+305,366	+180,969	do.....	+324,397
		−30,044	June, 1923.....	+335,410
		+329,639	December, 1923.....	+175,727
1925.....	+250,565	+395,681	do.....	+145,176
		+24,939	June, 1924.....	+225,566
		−67,864	December, 1924.....	+182,701
1926.....	+377,767	+575,743	do.....	+4,024
		−290,670	June, 1925.....	+86,797
		+202,041	December, 1925.....	+115,726
1927.....	+635,809	+330,307	do.....	+305,502
		+186,297	June, 1926.....	+449,512
		+353,079	December, 1926.....	+252,730

¹ Estimates made before passage of 1924 revenue law.

² These are not actual estimates, but are the amounts requested in the regular annual Budget, to which should be added supplemental requests for appropriation subsequently submitted to Congress.

ADDITIONAL STATEMENT AT REQUEST OF SENATE FINANCE COMMITTEE (By the Chamber of Commerce of the United States)

In a public statement issued under date of January 3, 1928, copies of which were sent to members of the Senate Finance Committee, it is observed that to the \$252,000,000 of surplus then officially estimated for June 30, 1929, there should be added an amount on account of the conservatism of that estimate. It was suggested that the corporation income tax would yield about \$135,000,000 more than the Treasury estimated and that back taxes would yield about \$50,000,000 more than the Treasury estimated. These two items added to the surplus of \$252,000,000, the official estimate, made a total of \$437,000,000.

The Treasury has not yet made any specific allowance for increased yield in the corporation income tax, but it has added \$5,000,000 from current income tax of both kinds and \$40,000,000 to its estimate of yield from back taxes, offsetting these amounts by \$85,000,000 on the expenditure side, although that total sum has not yet been voted by Congress. By this calculation it now reduces the surplus earlier estimated at \$252,000,000 to \$212,000,000 for June 30, 1929.

In support of the proposition that the official estimate of the 1929 surplus is too low, we desire to refer also to the assertion that, since the March collections from income tax are now known, the collections for the remainder of the calendar year, including the first two quarters of 1929 fiscal year, are known. Collections for the March quarter in recent years have varied from 32.2 per cent of the total for the four quarters of the calendar year to 26.5 per cent. Last year the percentage was 27.6 per cent. Any calculation based upon the collections in the March quarter of 1928, therefore, may prove to be wide of the mark by an amount running into the hundreds of millions.

Apparently some confusion has arisen from the circumstance that the chamber has said and believes that the Treasury estimate for June

30, 1929, of a surplus of \$212,000,000 is still too low, and repeats that statement in to-day's presentation. It has to-day made the further explanation that, wholly disregarding any possible increase in yield over the Treasury estimate of surplus, the whole chamber program of tax reductions and repeals could be allowed.

This is clear by reason of the discretionary power resting with the Secretary of the Treasury to carry over, say, \$251,000,000 from the surplus of the current fiscal year (now estimated at \$401,000,000). This \$251,000,000 added to the \$212,000,000 estimate of 1929 gives a total of \$463,000,000, while in that year, without allowing for any increase for growing taxable income of the country, the chamber's program would not reduce public revenues by more than \$394,000,000. The further point is made that if need be the power rests with the Treasury to devote up to \$160,000,000 of foreign interest payments as an offset against the interest which our Government is paying to the American holders of Government securities, thereby reducing the charge on current taxes by that amount.

There has been no change in the argument, but simply two different presentations.

Mr. SHIPSTEAD. Mr. President, I wish to express my appreciation to the Senator from Mississippi for his eloquence as a spokesman for the White House. I congratulate him.

Mr. HARRISON. That is the first time I have been accused of occupying that position.

Mr. HALE. Mr. President, I rise to a parliamentary inquiry. The PRESIDING OFFICER. The Senator from Maine will state his parliamentary inquiry.

Mr. HALE. Is morning business closed?

The PRESIDING OFFICER. Morning business is not closed.

Mr. HALE. Then, I call for the regular order.

The PRESIDING OFFICER. Reports of committees are in order.

REPORTS OF COMMITTEES

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 463) for the relief of David J. Williams, reported it with an amendment and submitted a report (No. 834) thereon.

Mr. JONES, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes (Rept. No. 835); and

A bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression (Rept. No. 836).

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 259) authorizing assistance in the construction of an inter-American highway on the Western Hemisphere, reported it without amendment.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 11279) authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes, reported it without amendment.

He also, from the same committee, to which was referred the bill (H. R. 8337) to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926, reported it with an amendment.

AUTHORITY FOR PUBLICATION OF RULES IN COMMON-LAW ACTIONS

Mr. SACKETT (for Mr. DENEEN), from the Committee on the Judiciary, submitted the views of the minority on the bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, which was ordered to be printed as part 2, Report 440.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 4117) granting an increase of pension to Sadie H. Oliver; to the Committee on Pensions.

By Mr. TYSON:

A bill (S. 4118) granting a pension to George R. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 4119) granting an increase of pension to Matilda Melson (with accompanying papers);

A bill (S. 4120) granting an increase of pension to Louisa Piercey (with accompanying papers);

A bill (S. 4121) granting an increase of pension to Malissa Hughes (with accompanying papers);

LXIX—421

A bill (S. 4122) granting an increase of pension to Vie Morrison (with accompanying papers); and

A bill (S. 4123) granting an increase of pension to Exona Warriner (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4124) to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes;

A bill (S. 4125) to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes; and

A bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire rights in land and to lease land or existing buildings for limited periods in certain instances; to the Committee on the District of Columbia.

A bill (S. 4127) to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. DILL:

A bill (S. 4128) granting a pension to Mary E. Short; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4129) granting an increase of pension to Mary Jane Nation (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 4130) granting a pension to Anna M. Huston (with accompanying papers);

A bill (S. 4131) granting an increase of pension to Justine Smith (with accompanying papers);

A bill (S. 4132) granting an increase of pension to Eliza J. Griffith (with accompanying papers);

A bill (S. 4133) granting an increase of pension to Minerva Crosley (with accompanying papers); and

A bill (S. 4134) granting an increase of pension to Martha V. Emery (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4135) to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws; to the Committee on Agriculture and Forestry.

By Mr. RANDELL:

A bill (S. 4136) to provide for the cancellation of tax liens and other liens in favor of the United States when the property affected thereby has been sold at public sale under a superior lien or claim under the laws of the State where such property is located; to the Committee on the Judiciary.

By Mr. CURTIS:

A joint resolution (S. J. Res. 132) to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.) in the city of Washington as a tribute to the negro's contribution to the achievements of America (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. CAPPER:

A joint resolution (S. J. Res. 133) to authorize the merger of street railway corporations operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

PROPOSED NICARAGUAN CANAL

Mr. McKELLAR submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan Canal, which was ordered to lie on the table and to be printed.

HOUSE BILL REFERRED

The bill (H. R. 11723) to provide for the paving of the Government road, known as the La Fayette Extension Road, commencing at Lee & Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park, was read twice by its title and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr.

BRITTEN, Mr. BURDICK, and Mr. VINSON of Georgia were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendments to the bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. W. T. FITZGERALD, Mr. ELLIOTT, and Mr. UNDERWOOD were appointed managers on the part of the House at the conference.

NAVAL APPROPRIATIONS

The PRESIDING OFFICER. Morning business is closed.

Mr. HALE. Mr. President, I ask unanimous consent that the Senate resume the consideration of House bill 12286, Order of Business 818, the naval appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BLAINE. Mr. President, I should like to inquire of the Senator from Maine, in charge of the bill, if his understanding is that the total expense of the Nicaraguan expedition from May 4 of last year until April 16, over and above what the expenditures would have been had that expedition not been made, is \$1,608,987.03?

Mr. HALE. Substantially; yes.

Mr. BLAINE. Another inquiry: I notice that the report by the Secretary of the Navy does not include damage that has been done to property belonging to the Government of Nicaragua.

Mr. HALE. I assume that no damages have been assessed. I do not know whether there would be any liability on our part for that or not.

Mr. BLAINE. Has the Senator any information as to the amount of damage that has been inflicted upon property belonging to the Government of Nicaragua by our war vessels and our war operations in Nicaragua?

Mr. HALE. I have not, Mr. President; but I assume that the report of the Secretary of the Navy covers the information they have on hand. If not, possibly the Senator could get further information from the Committee on Foreign Relations. I have no knowledge of the matter myself.

Mr. BLAINE. But the report does not include any statement as to the damages to property belonging to the Government of Nicaragua caused by the Government of the United States through its operations?

Mr. HALE. I do not know whether there has been any such damage.

Mr. BLAINE. For the information of the Senator, though he no doubt knows it, I will state that the Senate took action only a few days ago appropriating a little over \$19,000 as one item alone, to repair a dock or wharf that belonged to the Government of Nicaragua, which was damaged by a war vessel ramming that dock. My attention was called to that; and I am referring to damage of that kind, and damage of a similar character.

Mr. HALE. Does the Senator know of any damage of a similar character that occurred? I suppose that might have happened in time of peace. I understand that one of our vessels ran into a dock belonging to the Nicaraguan Government and did a certain amount of damage. If there are any other similar cases, I presume they will be called to our attention. The resolution did not ask for that, and I have no knowledge myself of any such matters.

Mr. BLAINE. The Senator has asked me if I have any information along that line. I might suggest to him that I am not a close confidant of the Secretary of the Navy. It is very improbable that he would give me any information. I am not a member of the Committee on Foreign Relations, nor am I a member of the Committee on Naval Affairs, so I have no means of knowing.

Mr. HALE. No such matter has been brought to my attention, and I doubt if it has been brought to the attention of the Committee on Foreign Relations.

Mr. BLAINE. I am attempting to ascertain just what damage we have done in connection with the operations in Nicaragua.

Mr. HALE. I think the statement made by the Secretary of the Navy is fairly complete.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. FESS. Has the Senator examined the last paragraph on page 5? Does that give the Senator the information he desires?

Mr. BLAINE. That is not the information I desire. That appears to be damage that has been done to Nicaraguan citizens, not to property of the Government of Nicaragua. We may be called upon to pay for damage done to the citizens of the Republic of Nicaragua. I do not know how much that would be. I do not know how much damage has been done to property belonging to the Government of Nicaragua.

Mr. HALE. Does the Senator suggest that the naval appropriation bill for the coming year be held up until we can find out these things? I do not think it is a matter of very great importance.

Mr. BLAINE. No; I have not made any such suggestion.

Mr. HALE. I hope the Senator will not. I hope he will help me in expediting the passage of the bill.

Mr. BLAINE. Mr. President, I desire to call up the amendment that I proposed the other day. I have made a slight modification in it, and will send the amendment to the clerk's desk as soon as I make the insertion. I ask that the modified amendment be stated.

The PRESIDENT pro tempore. The amendment, as modified, will be stated.

The CHIEF CLERK. It is proposed to amend by inserting a new paragraph after line 17, on page 53, as follows:

Provided, That after December 25, 1928, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The words "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim, or any claim of right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States, against the government of a foreign nation, either upon the initiation of the Government of the United States or upon the invitation of any foreign government existing de jure or de facto.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Wisconsin, as modified.

Mr. HALE. Mr. President, I understand that the Senator is going to speak on that amendment. I certainly can not accept it for the committee.

Mr. BLAINE. I expect to debate the proposition.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment? This seems to be a matter of very great significance from every point of view, and I am sure that when it was read the first time its contents were grasped by very few Members of the Senate. Therefore I request that the amendment be read again, so that we can all hear it.

The PRESIDENT pro tempore. The amendment will be again stated for the information of the Senate.

The Chief Clerk restated the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the modified amendment proposed by the Senator from Wisconsin.

Mr. BLAINE. Mr. President, the importance of this amendment will readily occur to those who have given thought to this subject when we study the report made by the Secretary of the Navy in connection with this Government's hostile expedition to the Republic of Nicaragua.

The expenditures, as reported by the Secretary, over and above the normal expenses of the naval forces at the home stations, as set forth in that report, are \$1,608,987.03.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. BLAINE. I yield.

Mr. McKELLAR. Does the Senator's amendment provide that the President can act upon the authority of Congress first had and obtained? I am not sure that I caught it accurately. I do not know whether that was made an exception. Ought not that to be an exception in the Senator's amendment?

Mr. BLAINE. The Senator evidently has not caught the purport of the amendment.

Mr. McKELLAR. I do not suppose I have. I heard it read, and I just glanced at it.

Mr. BLAINE. The amendment proposes a limitation or a restriction upon the use of the money appropriated under the power of the President as Commander in Chief of the Army and Navy. Of course, if Congress grants him power, then he may lawfully exercise it.

Mr. McKELLAR. As I understood the Senator's amendment, it provides that this power shall not be exercised unless there is a declaration of war.

Mr. BLAINE. By Congress.

Mr. McKELLAR. I can easily conceive a state of circumstances by which the Congress might want the President to take certain steps in a given case, and I was wondering whether there ought not to be an exception of that kind in the amendment.

Mr. BLAINE. No exception is necessary, because Congress would have the power to do that, notwithstanding the amendment, whenever the proper emergency arose.

The amount of money involved in this hostile expedition, in comparison with the total expenditures for the Army and Navy, is indeed small, but this expedition—I believe an unlawful expedition—has cost the lives of 21 American boys. Forty-five American young men have suffered casualties in addition to the 21 death casualties.

Of the Nicaraguan guard, eight have been killed or have died as the result of wounds. Four of them have suffered casualties other than death. Of the Nicaraguan people, 202, according to the Secretary's report, have lost their lives.

It is admitted that this report does not account for all the loss of life in Nicaragua. We may never be able to determine the total loss of life. The report does not state how many women and children have been killed, and at least the children, the babes in arms, could not have been engaged in any hostile activity. How many of the aged Nicaraguans have felt the force of the hostile army in their country, their home, we do not know.

Mr. President, the blood of these boys, of these men, these women and children, is upon the hands of those who have directed the hostile and war activities against the Republic of Nicaragua, acts contrary to all precedent in the history of this Republic, contrary to the law and the Constitution of this Republic, contrary to the rules and customs that prevail among nations of the world.

I know the defense will be made for this unholy and unwarranted warfare that America is fulfilling its solemn obligation entered into by a representative of this Government and the contending forces of Nicaragua. I anticipate that defense. That defense has no justification in fact or in law or in good morals and good conscience.

On May 4, 1927, a communication was addressed to General Moncado by Henry L. Stimson, the personal representative of the President of the United States. I shall read that communication. It is as follows:

DEAR GENERAL MONCADO: Confirming our conversation of this morning—

We have little information as to what that conversation was, but whatever it was, he continues:

I have the honor to inform you that I am authorized to declare—

Not to request, but to declare—

that the President of the United States has determined to accede to the request of the Government of Nicaragua to supervise the election of 1928; that the permanency in power of President Diaz during the rest of his administration is considered indispensable for this plan, and will be insisted on; that the general disarmament of the country is also looked on as necessary for the successful carrying out of this election, and that the forces of the United States will be authorized to take charge of the arms of those who shall give them up, including those of the government, and to disarm by force those who refuse to comply.

With all respects,

(Signed) HENRY L. STIMSON.

That constitutes the basis of the alleged sacred promise, a promise obtained, an agreement, so far as it is an agreement, not entered into by the free will of the people of Nicaragua, but obtained by force, by intimidation, by coercion, and, it is alleged, by bribery.

The armed forces were there. They had been there for some time. The people of Nicaragua were looking into the muzzles of the guns upon the war vessels. A small, weak, defenseless people, torn to pieces by internal strife, had no power to resist that exhibition of force. There was no course left for them than that demanded by the representative of the President. An invitation under those circumstances, do you call it? If the gunman were to enter your home, and, in the presence of your family and your friends, you were looking into the muzzle of his automatic, when he suggested an invitation to your home, quite readily indeed would the invitation be extended, and he would enjoy the friendliness of the evening, he would impose himself upon you, yes; by invitation, at the muzzle of a gun, your consent having been obtained by the same token. So

with the people of Nicaragua and the Government of Nicaragua. A sacred agreement? No! An unholy agreement.

The answer may also be made that this is not the first time that force has been used against weaker and smaller people by the temporary rulers of America. If that is a substantial defense, then I am in error. But, Mr. President, it is demonstrable that never in the history of America, ever since and from the promulgation of our Federal Constitution, on the 17th day of September, 1787, until November 3, 1903, was there ever a single precedent to support any administration in its attack upon the people of the Republics to our south.

I confess that since November, 1903, there have been acts on the part of those who have had the temporary administration of the government, by which they have undertaken, in the countries to the south of us, the same coercive measures that prevail in Nicaragua.

I shall not review in detail the history of this Government in relation to the Republics to the south since 1903. It may be claimed by those who apologize for the acts of this administration in its conduct toward weaker and smaller peoples and nations that there were precedents prior to 1903. Debates in this Chamber in the past have indicated that such defense may be made. But I shall differentiate and I shall undertake to distinguish between those incidents to which reference has been made in former debates, and the acts of hostility in which this administration is presently engaged.

I know there are those who will say that the sending by President Tyler of an expedition to Texas may constitute a precedent, but the facts with respect to the annexation of Texas do not justify any assertion that the act of President Tyler is a justification for the present exhibition of force toward these smaller nations. It must be remembered that when Texas came into the Union, Texas was a republic which had obtained her liberty and her independence. The President of that Republic, President Houston, had entered into a treaty with the Government of the United States for the annexation of Texas to the United States as one of the members of this Union, an act which was freely taken by the people of Texas through their representatives and according to the sentiment of the people of Texas. It had been their hope, and that hope grew into a desire, to join the Union of States. So when that patriot, their President, entered into the treaty with the Government of the United States for the annexation of Texas it was the free, voluntary act of the Republic of Texas and her people. There had been no coercion; there had been no force used and no intimidation.

That treaty was pending. It had not been ratified by the Senate. The President of the Republic of Texas, almost as a condition of that treaty, appealed to the President of the United States to send troops to Texas to protect Texas against invasion by Mexico.

That act was a protective measure in the interest of the Republic which was seeking admission to our Union, and was justified by President Tyler on the ground that the United States had an interest in the preservation of peace and in the security of Texas until the Senate had the opportunity to pass upon the treaty entered into through the free and voluntary acts of the people and the Republic of Texas.

There are those who may contend that when Perry went to Japan in the fifties his act constituted a precedent for the present acts of our Government in Nicaragua. Of course, there was a pretense made even with respect to the expedition of Perry to Japan, but the pretense did not constitute the justification for Commodore Perry's expedition. Commodore Perry carried a friendly message from the President of the United States, and he sought only to deliver that message to the ruler of Japan. However, Japan and her Government were little known to western civilization; even the knowledge of her Emperor was so obscure and uncertain that Perry himself did not know that he was dealing with the imperial representative of Japan instead of the Emperor of Japan. But there was no use of force, no intimidation.

That occurrence in the history of the United States, so far as the facts are concerned, was a voyage of peace carrying a friendly message from the President of the United States, demanding nothing, asking for nothing except the opportunity to enter into friendly diplomatic relations with the Government of Japan. Perry did not go to Japan to protect any loans that had been made by J. P. Morgan & Co., or Kuhn, Loeb & Co., or any other international money lender. Perry did not go there to protect or allegedly to protect property which Americans were exploiting in Japan. There were no Americans in Japan. America had no interests in Japan, financial or commercial.

I know there will be those who will attempt to justify the acts of the administration in the present instance by recalling President Grant's attempt to annex San Domingo. His at-

tempt was unsuccessful. He undertook to usurp the war-making power in the employment of force abroad. He undertook to assert upon his authority the right to send a hostile fleet to a country with which we were not at war. After President Grant had been unsuccessful in his attempts to coerce Haiti in the Dominguan-Haitian controversy, he withdrew his orders for the use of the armed forces of the United States. His withdrawal was under his own orders before any actual force had been employed. He made no further attempt to usurp the power or assume the power under the Constitution which he did not enjoy without an act of Congress. He therefore recognized the constitutional limitations of the President and the constitutional powers of the Congress by his act in withdrawing the armed forces of America, and at a later day expressly in a message to Congress recognized that it was necessary for him to seek and secure an act of Congress before employing force or coercion.

In the debate upon Grant's attempt to usurp the power to make war were engaged two of the great giants of American history—Charles Sumner and Carl Schurz. Sumner, coming from New England in those days when he represented the spirit of New England's patriotism and devotion to our Constitution, joined his great intellect with that of that distinguished German-American who belonged to that group of Germans who came to America in 1848 and here gave their intellect and their blood to the perpetuation of a free government. Those two distinguished Members of this body beat back—yes, they beat back the imperialistic tendency of President Grant, than whom there was none other more efficient upon the field of battle, but who, surrounded as he was, yielded to the pleas and petitions of those who wanted to embark this Government upon the highway of imperialism.

As I recall the history of that incident there was only one voice in this body to express a defense of the acts of the President. It was the voice of Senator Harlan, from Iowa, and in his defense of the attitude and attempt of the President and his administration he undertook to and did refer to the incidents of Perry in Japan and President Tyler in Mexico; but his defense was but a feeble defense, and he made no attempt to harmonize the act of President Grant and his administration with the two incidents to which I have referred. This body, in the several acts passed during those days, sustained the power of Congress and denied the right of a President to make war upon a friendly nation without an act of Congress declaring war.

There was one other incident in the history of our country which the apologists of this philosophy of force and coercion sometimes cite in support of their contention, and I want to distinguish that case from the situation with respect to Nicaragua. I refer to the Boxer rebellion. There was a joint demonstration on the part of the several nations, including America. America sent some 5,000 troops to China; but remember, sirs, that the excuse then used and the reason for the demonstration of force in the sending of an army to China was based upon the proposition that there had been an assault made upon the several governments by the Government of China or those acting in harmony with or with the understanding of that Government, an assault against the embassies of nations duly represented at the Court of China. So in that instance the excuse for the force and coercion then employed was entirely different from the excuse made in the case of Nicaragua. What has been done in China since I shall not discuss at this time.

I can not, however, in this connection remain silent when we find our Government exercising in China a sovereignty of extraterritorial jurisdiction, indefensible and entirely incompatible with the rights of nations and the equality of nations.

Mr. President, the historical incidents to which I have referred neither in fact nor in law constitute a precedent justifying the present policy of imperialism and dollar diplomacy exercised by this Government.

I now come to the period when there was a change in our policy. For 116 years, ever since the foundation of this Republic, down to November, 1903, the policy of this Government was that of noninterference. There was no dollar diplomacy; there was no governmental guaranteeing of private loans abroad. America had not been used as the international sheriff to collect the interest upon bonds and other obligations owing to private parties by foreign governments. For 116 years this Government had observed the policy that secured to us peace and promoted peace on the Western Hemisphere. In 1903 the policy was changed.

There was a revolution in the Republic of Colombia. There is no doubt that that revolution was promoted from Washington, if not, in fact, planned in Washington. It is true the revolution was a coup d'état. That revolution was organized

overnight. There had been a treaty or a protocol entered into, as I understand, between the Republic of Colombia and the United States. When the Colombian Congress adjourned without its Senate ratifying the treaty proposed between Colombia and the United States, President Roosevelt, by an Executive order, sent four American warships to the Isthmus of Panama. There was disappointment both upon the part of the revolutionists and the administration at Washington. The American Government had sent four war vessels to the Isthmus, but the Government became impatient at the revolutionists; they were not acting quite as quickly as had been agreed; and the revolutionists became rather doubtful about the compact into which they had entered. The administration at Washington complained that the revolutionists did not take advantage as promptly as they should of the situation that grew out of the presence of the war vessels. So Washington dispatched a message to the American consul, and we will observe with what efficient speed that revolution was conducted.

I assume that Mr. Latané, professor of American history and lecturer on international law in the Johns Hopkins University, can be cited as authority in this respect. He outlines the swiftness of this revolution.

"At 3.40 p. m. on November 3, 1903," he says, "the following dispatch was sent to the American consuls at Panama and Colon":

Uprising on Isthmus reported. Keep department promptly and fully informed. Loomis, Acting.

At 8.15 the same evening a reply was received from the consul at Panama, as follows:

No uprising yet. Reported will be in the night. Situation is critical.

At 9 p. m. the very same night a second dispatch was received from the same source:

Uprising occurred to-night, six—

I presume that means 6 o'clock—

No bloodshed. Army and navy officials taken prisoners. Government will be organized to-night.

And it was.

That was a revolution, however, without bloodshed. The Panama Canal, the construction of which was brought about by a treaty between America and the Republic of Panama, organized as a result of this overnight revolution, was so popular with the American people that the means of obtaining that canal were given slight consideration; and President Roosevelt later, in effect, repudiated that method of diplomatic concourse.

I reviewed that history to some extent in the debate on a proposal for a foreign policy, and quoted President Roosevelt. The history of that time clearly indicates that, in the opinion of the administration, the end justified the use of any means; but in later years there was regret and America, in acknowledgment of that wrong and in the satisfaction of that wrong, paid the Republic of Colombia \$25,000,000. That, however, was the beginning of the present policy of aggression; and that incident has been used to support the policy of imperialism and the policy of "dollar diplomacy" which the present administration has adopted and observes.

Mr. President, it is not my intention to review the unjustifiable acts, the coercion, and the warfare in which our rulers have engaged without the consent of Congress. The history is recent. It is familiar to all. The situation in Nicaragua is only one of the incidents in the last quarter of a century in pursuit of imperialism.

The amendment which I have proposed, Mr. President, has no special reference to Nicaragua. It has no special reference to Haiti. It has no special reference to Cuba or to China. It has no special reference to any country in which the armed forces of America are engaged to-day. It has reference to all of them; for neither in fact nor in law nor in the Constitution is there justification for the occupancy of territory abroad by the armed forces of America.

These coercive measures have been justified on the ground that the President, as Commander in Chief of the Army and Navy, is independent of Congress. I want to examine that proposition. I want to take an inventory, an assessment, of the powers of the President as Commander in Chief and the powers of Congress, and the limitations on both.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a moment?

Mr. BLAINE. I yield.

Mr. WALSH of Massachusetts. May I ask the Senator if he does not think his amendment ought to be referred to the Committee on Foreign Relations?

Mr. BLAINE. It has nothing to do with the question which I think the Senator has in mind. This amendment is a limitation upon the expenditure of money appropriated by this bill. If it had any other purpose, it might not be germane to the bill; but this amendment limits only the uses to which the money may be put.

Mr. WALSH of Massachusetts. I am thoroughly in accord with the general principle enunciated by the Senator; but it seems to me that an amendment of the character proposed by the Senator ought to be subjected to the scrutiny of that branch of the Senate which has been giving special study to problems connected with our foreign affairs.

Mr. BLAINE. I will advise the Senator that early in the session I introduced a resolution that embraces that problem which is before the Committee on Foreign Relations.

Mr. WALSH of Massachusetts. I do not want the Senator to misunderstand my inquiry.

Mr. BLAINE. I understand.

Mr. WALSH of Massachusetts. I am in very hearty accord with the general principle which the Senator is seeking to have made a policy of our Government; but I can conceive of possible circumstances where it might be embarrassing to our Government to have a strict limitation such as is proposed by this amendment in the future, apart from the present position of our country in South and Central American States.

Mr. BLAINE. If I may not be interrupted, I think it is demonstrable that the use of money appropriated by this bill for the purposes excluded by the amendment is a diversion of public funds, and against the law and the Constitution.

Mr. WALSH of Massachusetts. I should like to see—and I think the Senator agrees with me—some definite policy fixed. I think it would be a fine contribution to our legislative policy if a committee like the Committee on Foreign Relations should definitely outline a policy which would be carried out in the future, and the prevention of the use of the armed forces of this country insisted upon.

Mr. BLAINE. If the Senator will permit me to proceed, I think I will develop that whole situation before I get through. I appreciate the Senator's position.

Mr. WALSH of Massachusetts. In other words, it seems to me that the subject is such an immense one that we ought to give a good deal of study to it, and now, once for all, in view of the protests in this country against our present policy in Central American States, define a course for the future, and put limitations upon just what the executive departments can do, and how far the Executive can go in pursuing a form of invasion or war.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. NORRIS. I would like to call the attention of the Senator from Massachusetts to the parliamentary situation in which the Senator is now placed. If the course suggested by the Senator from Massachusetts were followed, there would be no effect, of course, on the money appropriated by the pending naval appropriation bill. We would not accomplish anything. It seems to me that we ought to have a well-defined policy. As I look at it, we have no authority of law now for doing the things being done in Nicaragua. I do not believe anybody can cite any provision of law that gives the President the authority to do what he is doing. But if this amendment were referred to the committee, before the committee could possibly act on it and legislation be had, this appropriation bill would be passed, and there would be a continuation of the policy. This amendment has application only to the money appropriated in this bill. It does not fully cover the situation; I think that is conceded. But it seems to me as a parliamentary proposition it is the only thing we can do if we want to do anything.

Mr. WALSH of Massachusetts. I appreciate what the Senator has said, but it seems to me that the discussion which the Senator has opened up has drawn our attention to the necessity for some general legislation, or a general policy, upon the subject.

Mr. NORRIS. I agree with the Senator.

Mr. WALSH of Massachusetts. I would like to ask why the date in the amendment is fixed as December, 1928.

Mr. BLAINE. December 25, 1928.

Mr. WALSH of Massachusetts. Is that because it is Christmas Day?

Mr. BLAINE. Not necessarily, but that is a mighty good date on which to be out of Nicaragua. I think the Christian spirit would run higher throughout the world, and be exalted, if we could get the boys out of Nicaragua by Christmas time. It is not a sentimental question with me; it is a practical question. I understand that the election is to be held in Nicaragua on or about October 24 or 25.

Mr. WALSH of Massachusetts. That is what I supposed the Senator had in mind; that is, waiting until after the election in Nicaragua.

Mr. BLAINE. It is claimed that if we were to withdraw now, there would be an unsatisfactory condition in Nicaragua among the contending factions when the election is held. I have contended that we blundered into Nicaragua, and I have no doubt but that we will have to blunder out, and I am trying to point a way by which this administration can save its face and prevent any further blunders. I think a period of 60 days after the election is held ought to give ample time in which to get out, and that brings it on or about December 25, Christmas time.

Mr. WALSH of Massachusetts. I assumed that was the Senator's reason.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. SHIPSTEAD. If the Senator keeps the marines there for another 60 days, that would be time to have another election.

Mr. BLAINE. After October?

Mr. SHIPSTEAD. After the first one.

Mr. BLAINE. I thought the elections came every four years.

Mr. SHIPSTEAD. They come whenever we decide to conduct them.

Mr. BLAINE. Not if this amendment to this bill is adopted.

Mr. SHIPSTEAD. But the Senator proposes a very unstatesmanlike proposition.

Mr. BLAINE. In respect to what? I am just seeking information.

Mr. SHIPSTEAD. The idea that the Senator has proposed in his amendment is contrary to our history in the Caribbean, in Latin America, for the past 30 years. The Senator proposes that we attend to our own business, and I say that is a very unstatesmanlike proposition.

Mr. BLAINE. Mr. President, I want to suggest to the Senator from Minnesota that this is not a gesture. I am willing to do something for my country, and if we can get those boys out of Nicaragua, and take this hand of coercion and oppression off of the people of Haiti, and keep our nose out of other people's business after Christmas time, then I shall feel that I have accomplished something in the interest of my country.

Mr. President, this is a practical question now. I am not responsible for our blundering into Nicaragua. I am not responsible for the troops now being in Nicaragua. I have stated, and I reassert, that it was a blunder to get into Nicaragua, and we may have to blunder out of there; but if this amendment can be written into the law by this Congress and we can escape this imperialistic policy, if we can shake it off by Christmas time and reestablish America as America was for 116 years, I am willing to offer my cooperation in the interest of the larger measure.

That may be called unstatesmanlike, but I am not keen about names. I am keen only about results. So I say I am willing to permit this Government to have up to Christmas time to end this imperialistic régime; and from that day and hour, if this were the law, there could be no warlike forces of the United States in another country under the terms of this proposed amendment. Perchance, should a President then attempt to usurp power, not only would he be subject to impeachment but he would be subject to prosecution under the criminal laws of the United States and subject to imprisonment. However, I assume, sirs, that the President would obey the law.

Mr. President, I want to define the power the President possesses as Commander in Chief. There is nothing mysterious about the power. There is nothing about the power that is not well understood. The fact that the President is Commander in Chief of the Army and Navy gives him no other power than the power derived from the Constitution and the laws enacted by Congress pursuant to the Constitution.

There are no implied powers in the President as Commander in Chief. There are no reserved powers of the President as Commander in Chief. Every power of the President as Commander in Chief is defined by the law and the Constitution, and the President is subject to the law and the Constitution.

The power of the President in war time has been defined in the case of *Ex parte Milligan*, United States Reports, volume 71, 4 Wallace. The proposition involved in this matter goes to the question of the exact dividing line between the powers of the Congress to declare war and to appropriate money and the power of the President as Commander in Chief of the Army and Navy.

Let me state, Mr. President, that there is no such thing as war power either in the President or in Congress. Whatever powers the President possesses or Congress possesses after war is declared are powers derived from the Constitution and the

law, and there is no power coming to the President as a war power outside of the Constitution and the limitations fixed by the law.

On page 120 of this report the court said what I shall read. This is language which every President ought to read as his morning prayer and his evening benediction. Says the Justice of the Supreme Court writing the opinion:

Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be imperilled unless established by irrepealable laws. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people equally in war and in peace.

(At this point Mr. BLAINE was interrupted by the expiration of the morning hour, when some discussion took place, which appears at the conclusion of his speech.)

Mr. BLAINE. Mr. President, I repeat the words of the Chief Justice of our Supreme Court, as follows:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

The court further said:

The power to make the necessary laws is in Congress, the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President in war more than in peace intrude upon the proper authority of Congress nor Congress upon the proper authority of the President. Both are servants of the people whose will is expressed in the fundamental law. Congress can not direct the conduct of campaigns nor can the President, or any commander under him, without the sanction of Congress, institute tribunals for the trial and punishment of offenses either of soldiers or civilians.

* * * Where peace exists the laws of peace must prevail. What we do maintain is that when the Nation is involved in war, and some portions of the country are invaded, and all are exposed to invasion, it is within the power of Congress to determine in what States or districts such great and imminent public danger exists as justifies the authorization of military tribunals for the trial of crimes and offenses against the discipline or security of the Army or against the public safety.

I quote that as indicating that the President is limited by the acts of Congress and possesses no power as a war power.

The Commander in Chief of the Army and Navy is the Commander in Chief in war times and in peace times. He commands the militia under certain circumstances. What is his power as Commander in Chief? In war times the Commander in Chief may take physical, actual possession of the Navy. He may sail at the head of the Navy. He may navigate the ships. He may shoot the projectiles from the guns of the ships. He may do anything with the Navy personally in times of war against an enemy nation. But his acts must be within the limitations fixed by Congress and by the usage and customs observed amongst civilized nations. His power is limited by the international law which prevails during war. He may become the pilot of the air forces of the country in time of war and personally take possession thereof. He may become the actual, physical head of the infantry or the artillery. He may operate the trench mortars or fire the 1-pounders or direct and actually fire the machine guns or the great field artillery pieces.

He may do those things personally as Commander in Chief within the limitations fixed by Congress and within the limitations of international law. He may mount his steed, march at the head of the cavalry, and compel everybody else to bite his dust. He can do it personally as Commander in Chief within the limits of the laws fixed by Congress and the international law. He may supply the provisions and the ammunition and all the subsistence necessary for the Army and Navy within the limitations fixed by Congress and the restrictions of international law.

Those are his powers as Commander in Chief. But Congress may not appropriate a single dollar for the Navy, and so as Commander in Chief of the Navy the President then becomes Commander in Chief of painted ships upon a painted ocean. Congress may refuse to appropriate money for the operation of the Cavalry or the Infantry or the Artillery or the Air Unit or of any unit of the Army. The President is still the Commander in Chief, but if there is no money furnished by Congress with

which to purchase the horse upon which the Commander in Chief rides in command of his Army, all that is left to him is his hobby horse.

There is nothing strange about the power of the Commander in Chief. What about it in peace times? It is identically the same power. There is no difference. One can not distinguish between the powers of the President in peace times and war times. They are identically the same within the restrictions and limitations fixed by Congress. In peace times he may ride at the head of the Army. He may order out the Artillery, the Infantry, the tanks, the aircraft, and ride up and down the United States within the limitations fixed by Congress and the Constitution and international law. He can not quarter soldiers within the homes of our citizens either in war time or in peace time. So there is no difference between the power of the President as Commander in Chief in war time and peace time. In war time the Congress gives him added power because of the necessities of the emergency; but whatever the power may be that is extended to the President, it comes through the act of Congress within and under the Constitution and does not adhere to the office of Commander in Chief by implication or by inference, but only by express provisions of law.

In peace time, for instance, when Congress appropriates money to build barracks for the marines at Quantico, Va., the President can not take that money and build barracks for the marines at Corinto, in Nicaragua. He can not take money that is appropriated for military reservations and buy migratory game bird sanctuaries. The President, as Commander in Chief, has no more right to divert public funds dedicated for specific purposes by acts of Congress in relation to the Army and the Navy than he has to divert public funds devoted to any other purpose. To divert that money contrary to the act of Congress is an offense against the law, whether he does it as President or as Commander in Chief of the Army and Navy. So the President as Commander in Chief has no general powers, no unrestrained powers, no unrestricted powers. Every power possessed by the President is an express power derived from the Constitution and the laws, and in war times within the limitations fixed by international law.

What are the powers of Congress in this respect? Under Article I, section 8, of the Constitution:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense.

Congress has the power to declare war; Congress, by express declaration, has the power to make rules concerning captures on land and water. Congress has power under that section—I am now quoting the Constitution—

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

Now, mark this—and I am again quoting from the Constitution—

The Congress shall have power to make rules for the government and regulation of the land and naval forces.

The President can not make such rules and regulations as Commander in Chief until Congress shall have acted. Then he initiates them within the limitations fixed by Congress, whether in peace time or war time.

Further, the Constitution gives to Congress the power—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

These are the powers of Congress, not of the Commander in Chief. The Commander in Chief is only the agent of Congress under the Constitution.

Now let us examine briefly the restriction upon Congress. The restriction upon Congress is a restriction upon rulers as well and upon all citizens, as defined in the case of *ex parte Milligan*, to which I have referred. Under Article I, section 9, of the Constitution, it is provided—I am again quoting—

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Not a single dollar can lawfully be taken out of the Treasury of the United States except in compliance with law enacted by Congress.

Mr. President, the senior Senator from New Jersey [Mr. EDELL] said yesterday on the floor of the Senate that the time had come when there should be a "showdown" on the Nicaraguan question. I challenge him now and here to submit a legal justification for the expedition to Nicaragua. No money has been provided by statute, as I understand, to supervise elections in Nicaragua. The appropriations which have been made are for specific purposes, and those purposes are defined.

But, Mr. President, administrations have chosen to exercise this power for the last 25 years; Presidents have chosen to exercise power, contrary to the precedents of 116 years of America's early history. However, even Presidents in the last 25 years have come to Congress for authority in respect to these matters.

I recall that in the so-called Tampico incident, when the question was whether Mexico should give a certain number of salutes—whether 5 or 19, I have forgotten—President Wilson came to Congress for authority to send a squadron down into the Gulf of Mexico to compel the Mexicans to give the proper salute.

When Villa with his band crossed into Arizona or New Mexico—I have forgotten which, but I think it was Arizona—in 1916, and, as I remember, about March 15 of that year President Wilson came to Congress. It was on the 17th day of March following when the Senate of the United States and, I believe, likewise the House unanimously passed a resolution permitting the President to send armed forces into the Republic of Mexico under certain conditions.

Mr. EDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. BLAINE. I yield.

Mr. EDGE. Did President Wilson come to Congress before sending marines to Santo Domingo in 1916, which expedition resulted in the loss of some two thousand or more lives, as I recall?

Mr. BLAINE. No, Mr. President; President Wilson did not come to Congress in the Santo Domingo or Haitian matter, and, I think, very much to the regret of his friends; I believe that is an incident which they would like to forget. I do not know why President Wilson engaged in that act, which was contrary to all his public declarations. I have never been able to analyze that which was in his mind when that force of coercion, intimidation, interference, and intervention was sent to Santo Domingo and Haiti.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. BLAINE. I yield.

Mr. SHIPSTEAD. The Senator is aware that when the President acts he must act upon information furnished him by subordinates, by the State Department, by some other department, or by the Army or the Navy, and they in turn must rely upon information furnished them by subordinates. It was said we went into the Dominican Republic for the purpose of putting down bandits; at least that is what we were told we went there for. It is a strange coincidence that we did not hear anything about bandits in the Dominican Republic until sugar went from 3 or 4 cents a pound to 26 or 27 cents a pound, and sugar lands became very valuable in the Dominican Republic.

The people who owned those lands refused to sell them to the large sugar companies, and bandits went out at night and started to shoot up the countryside and burn the buildings of people who would not sell their lands. Then we were asked to go in for the purpose of protecting property against those bandits; and our forces hunted the bandits, but were not very successful in capturing them for a long time. I am reliably informed that in the archives of the Navy Department there is sworn testimony to show that a sergeant of marines one day reported to his colonel and said, "Colonel, here I have the chief bandit." The colonel reprimanded him and apologized to the prisoner and turned him loose, because he was the local manager of the National City Bank of New York. But the colonel was an honest man and stayed on the job long enough until he discovered that the sergeant had told the truth.

The Senator from Massachusetts [Mr. GILLET] said that we should study some of these questions and find out something about them. I commend his advice to the Senate. The Senate ought to know.

I accused the Senator from Wisconsin a short time ago of expounding a very unstatesmanlike doctrine. I find now that he is going back to the Constitution to find justification in law or in the Constitution for using the armed forces without the consent of Congress. It is a very old-fashioned thing to do. The idea is so old that most people think it is new.

The Senator from Wisconsin has often been accused of having new ideas. The idea that anyone should follow the Constitution or the law is so old-fashioned that most people think it is new.

Mr. BLAINE. Mr. President, the Milligan case defines precisely the powers of the President and the powers of Congress in times of war. It is worth while to review the Prize cases. I shall not take the time to do so this afternoon; but the principle laid down by our Supreme Court in those cases is to the

effect that the power of the President as Commander in Chief of the Army and Navy is no different than his power as President. It is wholly within the limitations fixed by law; but as Commander in Chief he may personally assume control of the operation of the Army and Navy, subject to the law and the Constitution, and in war subject also to international law.

Of course, both in war and in peace, the President selects his subordinates to carry out those powers, which he possesses under the Constitution and the law as Commander in Chief. Therefore if Congress refused to appropriate money for the Army and Navy, the Army and Navy would cease to exist. There would be no Army and Navy of which the President could be Commander in Chief, except, as I said, perchance, a painted navy upon a painted ocean. Congress may refuse to appropriate any money for the Army and Navy and thus strip the President of any power as Commander in Chief. Therefore, since this power to raise and support armies and to appropriate money therefor is given to Congress by the Constitution, it is exclusively within the jurisdiction of Congress. Congress may make that appropriation large or small. It may reduce the appropriation to a point where in practice there could be nothing but a paper navy or a paper army. Congress may fix by an appropriation act the limits within which the Commander in Chief must stay. Congress may appropriate money to raise and support an army to be used wholly within the territorial boundaries of the United States, and for no other purpose. It may limit the Navy to the inland waters of the United States. The limit of the extent to which armies and navies may be raised and supported is fixed by Congress.

When public funds are once in the Treasury of the United States they can be withdrawn only pursuant to an express appropriation by Congress, and the restriction operates upon all departments of the Government.

Justification for this statement rests upon the decision in the case of *Knote v. United States* (95 U. S. Repts.), beginning on page 149. I shall not stop to read the opinion delivered by Mr. Justice Field.

In the Prize cases, reported in Second Black, page 668, and in *Ex parte Milligan*, Fourth Wallace, page 2, and in a long line of decisions this is what the court said:

The power of the President as Commander in Chief must be exercised in accordance with the laws and usages of nations, and in the manner prescribed by Congress.

Further quoting:

Otherwise, his orders will afford no protection to an officer acting under them. An instruction to an officer can not justify an act which, without it, would have been a trespass.

It is true he is authorized by law, by the Constitution, previous to the declaration of war by Congress, to meet insurrections or invasions by military force; but that is a constitutional power, derived from the Constitution, and in the name of the Commander in Chief.

There are many things the President can do as Commander in Chief in war times under the laws and usages of nations and under the limitations prescribed by Congress. I shall not go into that question. It is not relevant to my discussion.

The President has the power to repel invasion and insurrection under an act of Congress and within his power under the Constitution. The powers to which I have referred to a very large extent are discussed in the cases to which I have referred. This is not my declaration. I am not making a declaration growing out of my own mind or imagination. I have pointed to the source of power possessed by Congress and by the President.

Now, let us examine what text-writers have said upon this question of the power of the President.

In a general way Willoughby, on the Constitution, in volume 2, page 1207, section 713, gives the powers of the President in times of peace and in times of war. I mean he outlines in more or less detail the things the President may do:

The constitutional Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the service of the United States, is the President. Through or under his orders, therefore, all military operations in times of peace as well as of war are conducted.

Operations in the field and practice—

He has within his control the disposition of troops, the direction of vessels of war, and the planning and execution of campaigns. With Congress, however, lies the authority to lay down the rules governing the organization and maintenance of the military forces, the determination of their number, the fixing of the manner in which they shall be armed and equipped, the establishment of forts, hospitals, arsenals, etc., and, of course, the voting of appropriations for all military purposes.

Large power, therefore, is in Congress; and the Commander in Chief merely directs the armies and navies in the field. He may do it in person, as I have said, but he chooses to do it through his subordinates—the only practical way, of course, by which it may be done.

Professor Corwin, professor of politics at Princeton University, after discussing the powers of the President and Commander in Chief, comes to this conclusion, as stated on page 156 of his work *The President's Control of Foreign Relations*:

I conclude that the presidential power under survey is somewhat analogous to the so-called right of self-preservation at international law. Theoretically the power is a defensive power and reserved for grave and sudden emergencies. Practically the limit to it is to be found in the powers of Congress and public opinion.

Of course, if the President and Congress have deadlocked on the proposition, the President may go to the country and obtain a Congress in accordance with his views, but that does not give him any additional power. He may acquire additional power if Congress responds to his demands.

Henry Campbell Black is recognized as one of the great constitutional lawyers and text-writers of undoubted reputation and intellect, and in his work *Black on Constitutional Law*, fourth edition, page 123, section 83, he says:

The constitutional power of the President to command the Army and Navy is distinct from the power of Congress to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. The President can not by military orders evade the legislative regulations, and Congress can not by rules and regulations impair the authority of the President to act as Commander in Chief.

The President has no power to declare war; that belongs exclusively to Congress. But without any declaration of war, or before such a declaration is made, he may recognize the actual existence of a state of war and employ the Army and Navy against the enemy.

That is, where all the facts relating to a state of war exist.

Congress must still "raise and support" the Army and "provide and maintain" the Navy, and it is true that the power of furnishing or withholding the necessary means and supplies may give it an indirect influence on the conduct of the war. But the supreme command belongs to the President alone. In theory, he plans all campaigns, establishes all blockades and sieges, directs all marches, fights all battles and engagements.

Those are the powers of a Commander in Chief of an Army and Navy, restricted in war time as he is restricted in peace time, a power that is within the Constitution, and when Congress acts it makes operative that power.

Mr. President, I desire briefly to call attention to the international law and custom of nations upon this question. I will quote very briefly.

Chancellor Kent is recognized in America as a great authority upon legal propositions, and he gives the rule with simplicity and clearness. Speaking of the equality of nations, he says:

Nations are equal in respect to each other, and entitled to claim equal consideration for their rights, whatever may be their relative dimensions or strength, or however greatly they may differ in government, religion, or manners. This perfect equality and entire independence of all distinct states is a fundamental principle of public law.

General Halleck, who has written upon international law, and who is as authoritative in logic as are Vattel and Sir William Scott, says:

All sovereign States, without respect to their relative power, are, in the eyes of international law, equal, being endowed with the same natural rights, bound by the same duties, and subject to the same obligations.

Washington, in speaking of belligerent intervention contrary to international law, said this on December 25, 1798, when he wrote to his compatriot, Lafayette. They had won the independence of America:

No government ought to interfere with the internal concerns of another, except for the security of what is due to themselves.

I again quote from General Halleck on this question of non-intervention:

Wars of intervention are to be justified or condemned accordingly as they are or are not undertaken strictly as the means of self-defense and self-protection against the aggrandizement of others, and without reference to treaty obligations; for, if wrong in themselves, the stipulations of a treaty can not make them right.

The invitation of one party to a civil war can afford no right of foreign interference as against the other party. The same reasoning holds good with respect to armed intervention, whether between belligerent states or between belligerent parties in the same state.

There is the Nicaraguan situation. There were belligerent parties within the Republic of Nicaragua, and the United States had no right under international law to intervene under any pretext.

Halleck said again:

Armed intervention consists in threatened or actual force employed or to be employed by one state in regulating or determining the conduct or affairs of another. Such an employment of force is virtually a war, and must be justified or condemned upon the same general principle as other wars.

Mr. President, by all the precedents set by the statesmanship of America prior to 1903, statesmanship which towered above the present narrow, intolerant statesmanship as mountains tower above ant hills, we were denied the right of intervention.

The amendment which I have proposed is supported by the history of the United States for 116 years. It is supported by the highest authority in our land, by the judges of our Supreme Court in their decisions in specific cases. It is supported by the text-writers of renown and responsibility, by the statesmanship of those who thought in terms of America, her peace, and her security.

Mr. President, I have failed to find a single case, I have failed to find a single line of legislation, that justifies the conduct of this administration in the affairs of Nicaragua.

In the face of this showing, I repeat that the blood of American boys is upon the hands of those who have, without lawful power, brought our Nation into what Sumner so aptly described as "a dance of blood."

During Mr. BLAINE's speech—

The PRESIDING OFFICER (Mr. Fess in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 1271, the migratory bird bill.

Mr. CURTIS. Mr. President, may I ask the Senator from Maine [Mr. HALE] if he has any understanding with the Senator from South Dakota?

Mr. BLAINE. I have. I suggested to him that I perhaps would not conclude before half past 2 or 3. However, the Senator from South Dakota is here and can speak for himself.

Mr. NORBECK. I would like to proceed with the migratory bird bill, but the Senator from Wisconsin has not concluded his remarks on the naval appropriation bill, and would prefer very much that he be allowed to proceed. Therefore, let it be understood that he may proceed and we will not press the consideration of the bird bill at this time.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

Mr. SWANSON. I understand that the migratory bird bill will be the unfinished business until it is disposed of.

Mr. HALE. Then I shall ask the Senate to go right on with the consideration of the naval appropriation bill and make that the unfinished business.

Mr. CURTIS. That would be unnecessary. I suggest that the Senator in charge of the migratory bird bill ask unanimous consent to lay aside the unfinished business temporarily.

Mr. HALE. I shall be very glad to have him do so.

Mr. CURTIS. The Senator from South Dakota may call up the unfinished business at any time after the Senator from Wisconsin concludes. He will simply have to demand the regular order.

Mr. NORBECK. I was really in hopes that we could dispose of the unfinished business this afternoon.

Mr. SWANSON. I would like to know whether the naval appropriation bill is going to be proceeded with during the remainder of the afternoon or the migratory bird bill. I think, so far as the unfinished business is concerned, we ought to reach a conclusion upon it.

Mr. NORBECK. May I suggest that we take up the migratory bird bill at 4 o'clock and try to get a vote on it at that time? In the meantime Senators can proceed with debate on the naval appropriation bill.

Mr. SWANSON. Apparently the Senator thinks we can get a vote on the migratory bird bill in a very few minutes after it is taken up. I do not know whether the Senator from Wisconsin [Mr. BLAINE] can conclude his remarks in time this afternoon or not. I suggest that we let the migratory bird bill remain before the Senate until 3 o'clock and, if we can not dispose of it in a short time, then temporarily lay it aside, and let us proceed with the consideration of the naval appropriation bill.

Mr. BORAH. Mr. President, it seems to me that this is a very simple matter. The Senator from Maine can ask that the unfinished business be temporarily laid aside and then the Senator from Wisconsin can proceed with his discussion, and when he is through we can vote on the migratory bird bill.

Mr. NORBECK. That course is entirely satisfactory.

Mr. HALE. I am entirely willing to do that.

Mr. NORBECK. With the understanding that we will take up the migratory bird bill at 3 o'clock.

Mr. SWANSON. Yes.

The PRESIDING OFFICER. The unfinished business being temporarily laid aside, the Senator from Wisconsin will proceed.

After the conclusion of Mr. BLAINE'S speech—

PROTECTION OF MIGRATORY BIRDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. NORBECK. Mr. President, I am not going to make any lengthy speech now. I would like to have printed in the RECORD a statement of the advantages of the license over the direct appropriation.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ADVANTAGES OF THE LICENSE OVER THE DIRECT APPROPRIATION

If the appropriation of \$1,000,000 per annum for the acquisition of refuge areas is actually made for a number of years, I have no hesitation in saying that it will be better than the Federal hunting license for the raising of funds to carry out the provisions of the act. But you know as well as I do from our previous experience that after a year or two it is going to be most difficult to continue these appropriations. On the other hand, if a special fund is built up in the Treasury out of the receipts of Federal licenses, it will not be so difficult to get the estimate allowed by the Director of the Budget and the Appropriations Committee for the acquisition of areas as refuges for migratory birds. While there are approximately 6,000,000 licensed hunters throughout the United States according to statistics compiled from the records of State game commissions, these reports include not only the hunters of migratory game but also resident game, such as quail, wild turkeys, pheasants, rabbits, squirrel, deer, elk, and other big game. It is not contemplated that more than 15 or 20 per cent of these hunters will ever be required to take out licenses under the provisions of the bill to hunt migratory birds, particularly with the exemption proposed to eliminate the requirement of the license for hunting woodcock, doves, wild pigeons, and yellowlegs.

The hunting license originated with the first state-wide organization for game conservation adopted in any of the States. Both resident and nonresident licenses are to-day required in every State for the hunting of any kind of game within their borders. Some States, however, exempt resident landowners and members of their immediate families from the necessity of taking out licenses to hunt on their own premises, and one State—Texas, I believe—only requires a license for hunting outside of the county of residence. In most of the States the funds derived from the sale of licenses are turned into game-protection funds for the direct support of game-conservation work in that State. In a few instances, particularly in those States which have adopted budget legislation, the license funds are turned into the treasury as miscellaneous receipts, and direct appropriations are made from the revenues of the State for the support of the conservation work. The hunting license has been in effect for so long and the funds derived therefrom are so generally used for conservation purposes that the support of conservation work throughout the country by hunting licenses may be said to be an institution. It is not the hunters throughout the country who are interested in the conservation of migratory game birds that are kicking on the payment of the proposed \$1 Federal license. They are desirous and anxious for the opportunity to contribute this small additional amount in order to provide Federal funds for the furtherance of the conservation of such birds.

The proposed refuges and the proposed licenses will not interfere in any manner with the operation of the State laws or the State conservation program.

Mr. NORBECK. Four amendments have been offered to the bill, two by the Senator from Arkansas [Mr. CARAWAY] and two by the Senator from Wisconsin [Mr. BLAINE]. I think the Senator from Wisconsin wants to make a statement in regard to his amendments.

Mr. BLAINE. Mr. President, I have suggested to the Senator from South Dakota that I desire to withdraw the two amendments which I offered yesterday. I will state my reason for the withdrawal. The Senator from South Dakota with great fortitude and patience has carried on this contest, and it has suggested to me the probability that the amendments I have offered would provoke long debate. I do not believe them

important enough to delay a vote on this measure. The question of the maximum amount which might be paid for land is one, perhaps, that can be left to the department until there is some remedial legislation. The question of excluding hunting of migratory birds within a certain area adjoining a sanctuary no doubt may well be left with the States.

I have no doubt that Congress has the power to legislate upon it under Article VI of the Constitution, which makes a treaty the supreme law of the land and provides that every court must recognize it, the laws and constitution of a State to the contrary notwithstanding; but I am certain that the States will perform their whole duty in the future as they have in the past and, therefore, it is a proposition which might well be left to the States. I therefore ask that the two amendments may be withdrawn.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

Mr. BRATTON. Mr. President, I suggest that a quorum is absent.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Locher	Schall
Bayard	Frazier	McKellar	Sheppard
Black	George	McLean	Shortridge
Blaine	Gerry	McMaster	Simmons
Blease	Glass	McNary	Steiner
Bratton	Hale	Metcalf	Stephens
Brookhart	Harris	Moses	Swanson
Broussard	Hayden	Neely	Tyson
Bruce	Heflin	Norbeck	Vandenberg
Capper	Howell	Norris	Walsh, Mass.
Couzens	Johnson	Oddie	Walsh, Mont.
Curtis	Jones	Overman	Warren
Cutting	Kendrick	Pittman	Waterman
Dale	Keyes	Ransdell	
Dill	King	Reed, Pa.	
Edge	La Follette	Sackett	

Mr. JONES. I desire to announce that the Senator from West Virginia [Mr. GORE] and the Senator from New York [Mr. WAGNER] are detained in committee.

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum is present. The bill is as in Committee of the Whole and open to amendment. The amendment proposed by the Senator from Arkansas [Mr. CARAWAY] was temporarily passed over. Is it to be reoffered?

Mr. NORBECK. Before that is done, I desire to offer for printing in the RECORD some endorsements of the migratory bird bill. These telegrams had reference to the bill carrying the \$1 license fee, and were all received before the bill was amended by the Senate.

The PRESIDENT pro tempore. Without objection, leave is granted.

The telegrams are as follows:

MISSOULA, MONT., February 17, 1928.

United States Senator PETER NORBECK,

Washington, D. C.:

Montana sportsmen realize that if the clean and invigorating sport of shooting wild waterfowl is to continue, something must be done immediately. The nesting, feeding, and wintering ground of these birds is each year becoming more and more restricted; likewise the places where they may be hunted. Migratory bird conservation bill affords the only just and practical relief. We are deeply interested in this measure, and earnestly hope it will speedily pass Congress.

THOMAS N. MARLOVE,

Chairman Montana Fish and Game Commission.

RICHMOND, VA., February 16, 1928.

Hon. PETER NORBECK,

United States Senate:

Bird conservation bill endorsed by overwhelming majority America's outstanding wild-life conservationists. No measure had larger and wider publicity. Longer passage delayed more money cost to provide needed refuges and shooting grounds, such lands being taken up fast by wealthy syndicates of hunters.

M. D. HART.

HARTFORD, CONN., February 16, 1928.

Hon. PETER NORBECK,

United States Senate:

It is my understanding that hearing on migratory bird conservation bill comes to-morrow. Regret impossible for me to be present. Bill strongly endorsed by this commission. Unless we can provide sanctuaries with feeding grounds for our migratory waterfowl the supply will continue to decrease. The Federal license to provide funds for defraying the expenses involved seems to be the one logical solution of the problem.

JOHN W. TITCOMB,

Superintendent State Board of Fisheries and Game.

BOSTON, MASS., February 16, 1928.

Hon. PETER NORBECK,

United States Senate:

Please record Massachusetts as strongly indorsing migratory bird conservation bill. Our sportsmen willing to help finance work of Federal Government in doing things proposed under this bill, although they do not expect any of such funds to be expended in our State until the great needs in the West and South are taken care of. We earnestly urge the passage of the bill at this session of Congress.

WILLIAM C. ADAMS,
Division of Fisheries and Game,
Department of Conservation.

FRANKFORT, KY., February 16, 1928.

Hon. PETER NORBECK,

United States Senate:

The Kentucky Game and Fish Commission urges the Senate committee to report favorably the migratory bird conservation bill. Its passage will assist us in conservation, especially in the western part of our State, which lies across the migratory-bird path.

GEORGE C. WAGGONER,
Executive Agent Kentucky Game and Fish Commission.

COLUMBIA, S. C., February 16, 1928.

Senator PETER NORBECK,

United States Senate:

I earnestly urge immediate passage of the migratory bird conservation bill, for it will mean a great thing for the conservation of our wild life.

A. A. RICHARDSON,
Chief Game Warden of South Carolina.

DES MOINES, IOWA, February 16, 1928.

PETER NORBECK,

United States Senate:

Immediate action necessary to save migratory birds from destruction. Urge your strong support of bills now pending.

W. E. ALBERT,
State Game Warden.

MINNEAPOLIS, MINN., February 17, 1928.

Hon. PETER NORBECK,

United States Senator, Washington, D. C.:

Minnesota organized, and individual sportsmen and game and fish department sincerely believe in and squarely behind migratory-bird refuge and shooting grounds conservation bill now before Senate. In view of international aspect and migratory bird treaty act it seems obvious to me protection and perpetuation migratory water fowl is obligation and duty of Federal Government, and further believe if matter left in hands individual State attention given will be both sporadic and spasmodic. Fail to see any justification for claim bill under consideration constitutes any invasion State rights. Sincerely hope bill be recommended for passing by committee Friday and will be enacted into law by Congress this session. Will greatly appreciate any effort you may exert along this line.

JAMES F. GOULD,
Commissioner of Game and Fish.

INDIANAPOLIS, IND., February 16, 1928.

Hon. PETER NORBECK,

United States Senate, Washington, D. C.:

The sentiment existing in the State of Indiana is overwhelmingly in favor of the passage of the migratory bird conservation bill. The Federal Government should do its part in the protection and propagation of migratory birds, inasmuch as it holds jurisdiction over the same under the treaty with Canada. Sportsmen in this State will not object to paying a Federal license.

GEORGE N. MANNFELD,
Superintendent Fisheries and Game.

BALTIMORE, MD., February 16, 1928.

Senator PETER NORBECK,

United States Senate, Washington, D. C.:

I beg to add my hearty indorsement for the enactment of the migratory bird conservation bill. This bill should be placed on the Federal statutes as quickly as possible. It is very important that we enact both Federal and State legislation for the further protection of the wild life of this country. Under State administration, wherever game refuges have been established they have worked wonders in saving our wild life. And to further the preservation of migratory birds we must establish Federal game refuges. I heartily indorse the hunters' license feature, as this system, wherever it has been adopted in the States, has worked wonders for the conservation of our wild life.

E. LEE COMPTON,
State Game Warden.

Mr. NORBECK. I have a telegram from Dr. William T. Hornaday, a conservancy expert of international fame, which I ask may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegram is as follows:

STAMFORD, CONN., April 9, 1928.

Hon. PETER NORBECK,

United States Senate, Washington, D. C.:

Latest news received. Your wise and generous amendment to your migratory bird bill has completely transformed that measure into a safe, sane, and far-reaching agency for a general increase in water-fowl throughout the whole United States, and a 25-year extension of legitimate sports in hunting it. No true sportsman or game defender can fail to support your bill as amended. I hope you will stand as firm as the Rock of Gibraltar for the Federal license fee of one insignificant dollar and warden to protect the sanctuaries and feed birds as may be necessary. On the Jack Miner plan, without the money and the warden, the whole plan falls to the ground and we may as well cease our efforts to save migratory game and hunting on a basis of continuance. I am trying to broadcast an appeal to a million sportsmen for their active support for your bill.

WILLIAM T. HORNADAY.

Mr. NORBECK. Mr. President, in the temporary absence of the junior Senator from Arkansas [Mr. CARAWAY], I will offer his amendment in his behalf. In lieu of section 17 of the bill, I offer what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. Strike out section 17 of the bill and in lieu thereof insert:

That when any State shall by suitable legislation make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act. The said State may and shall, so long as it shall enforce the said act and regulations made in pursuance thereof, be reimbursed from said funds for the costs of said enforcement to that extent said services would have cost had the service been performed by the Federal Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota in behalf of the Senator from Arkansas.

Mr. BLEASE. Mr. President, I hope the bill will not become a law. This country was once very much divided on the question of the rights which were reserved by the States under the Constitution, and as to just what powers a State did have and what powers were delegated by the bill of rights and the Constitutional Convention to the various States of the Union and what rights the States had given away under the Constitution. I understand from newspaper reports that the President of the United States a few days ago made a speech in which he took up this very important question, and I compliment him even at this late date on being a convert to the idea of State rights.

But that is not all that is involved in the pending bill by any means. Senators talk about bombs in Chicago and heap fire on the head of Hale Thompson. A good deal is said, too, about anarchy. But the common people of the country are getting mighty tired of the Senate and House exercising what have come to be called their aristocratic powers, dominating and controlling and dictating to the people of the country everything they may or may not do, what they shall eat, what they shall drink, when they shall go to bed, when they shall get up, when they shall go fishing, when they shall go hunting, whether they shall have a picnic or not; and, if they have a picnic, what they must have at the picnic, and so forth. It seems to me that Senators and Congressmen, when they get to Washington, absolutely forget that they have any poor people at home; and some of them, I think, forget that they have anybody at home at all.

How much further are we going? What do Senators expect from the people, who know that certain privileges are being exercised by every official of the United States Government, that certain privileges are indulged in by Senators and Congressmen, by the judges who try the criminals; by the solicitors who prosecute them, by the officers who are supposed to be enforcing the law, and yet are denied the common people? Do Senators think those people will forever be satisfied with knowing that they—the ones at home—working in industry, working in the field, and making a living in this country and feeding the world, too, are the only people who are to be denied and deprived of privileges under the laws which their Senators and Congressmen here enact?

Talk about Mussolini; talk about other governments; you are forcing the people to anarchy and to lawlessness just as fast as you can force them. Senators may laugh at that statement if they want to, but to-day in this country men are sitting on juries who are finding not guilty of crime people whom they know are guilty. They are finding them not guilty because they know that the solicitor who prosecuted the case does the same thing for which they are trying the defendant, and because they know that the judge sitting on the bench is guilty of the same crime that the man in the dock is being tried for.

They sit there on juries and bring in such verdicts, and they are as good men as you are or as I am, as high-toned citizens, men who pay their taxes, do their part, do not dodge a draft law by claiming some exemption, as Senators and Representatives may do. When it comes time to fight, they do not claim that they are too young; they do not claim that they are fathers of two or three tots at home and can not leave them; but they walk up like men and volunteer; they take their guns on their shoulders and they fight in defense of their country. Those men render verdicts of not guilty in such cases because they know that those being tried are the only people that those laws are intended to affect and do affect.

I warn you, and I warn you in all seriousness of such a situation. I go among that class of people; I eat at the table with that class of people; I spend nights in the homes of that class of people; I make speeches to that class of people when I go to their meetings in their halls, sometimes in private behind closed doors and sometimes with open doors. I warn you, Senators, that the people are getting tired of being hamstrung and hog tied.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. BLEASE. I yield with pleasure, sir.

Mr. WALSH of Massachusetts. I infer from what the Senator from South Carolina has stated that it is his opinion—and I am in accord with him—that the enactment of such laws as the prohibition law and other laws seeking to restrain personal liberty and to regulate the conduct of individuals is bringing about disrespect for all law and authority.

Mr. BLEASE. Mr. President, the Senator from Massachusetts expresses it exactly and in a very few words.

When I was a boy the people of my section thought the President of the United States was somebody great. They do not think so now. They thought a Cabinet officer was a little something like one of the apostles who went around with their king. I remember in my boyhood days when Judge Kershaw, Judge Wallace, and men of that character came to my little town of Newberry. The crowd would be standing out on the courthouse square talking, when somebody would say, "Here comes the judge." Every man would step back, take his hat off, and when the judge would pass the old soldiers maybe would say, "Good morning, General," while the younger men like myself would say, "Good morning, Judge." Now when a judge comes by it is, "Hello, Dick," "Hello Jim," "What time are you going to open court, Henry?" The people do not have the respect for the President and his Cabinet and for the Senate and the other House of Congress that they once had. Why is it? It is because this House and the House across the way have deprived them of the God-given privileges that they were born with when they were children.

It used to be when Senator Butler or Senator Hampton would come home and walk up the streets of Columbia or when people would come up here to see Senators and Representatives they thought they were big men. They do not think it to-day. Do not fool yourselves. They do not think it because of your little actions, because of the contemptibleness in trying to deprive every man of every privilege that God gave him on this earth. Senators sit here and keep it up day after day and expect the common people of this country, the American voters, to continue to put up with it and stand by. Gentlemen of the Senate, if you keep it up, just as certain as there is a God sitting on His throne in heaven, respect for law will be gone; respect for order will be gone. The people among themselves will agree that they do not propose continuously to be imposed on in any such way. The result will be that jurors will agree before they ever go into the courthouse that they will not render a verdict against accused persons for committing crimes or violations of law when they know that the men higher up are equally guilty.

Mr. WALSH of Massachusetts. Guilty of the same crime.

Mr. BLEASE. Guilty of the same crime.

We had an instance in my own State—I do not like to talk about home folks, but I can. A judge—I will not call his name; it would hardly be right, but I would not much mind

doing it; he is not on my side of the political fence. [Laughter.]

Mr. WALSH of Massachusetts. He must be a Republican.

Mr. BLEASE. That judge instructed a jury in the courthouse; he delivered a long charge. When he finished the jury went out, stayed about five minutes, and came in with a verdict of "not guilty," though everybody knew the defendant was guilty. That afternoon court, as we express it down home, "broke" a little earlier than it was expected. The foreman of the jury lived in a town just above the judge's town, and he asked the judge to ride home with him. They got out about 15 or 20 miles from where the court was being held, along in the shank of the afternoon.

Those men—the foreman of the jury and the judge—had been trained together from boyhood. The foreman of the jury knew the country thoroughly; he knew there was a very nice cool spring near the road a short distance out. He turned out to the side of the road, stopped, and said, "Judge, I do not know about you, but I am going to take a drink." He reached down, opened his satchel, and took out a bottle of South Carolina mountains' most perfect corn. [Laughter.] The judge said, "I believe I will join you," and he did. They both took a drink. When he closed his satchel and put it back in the automobile, he said, "Judge"—he called him by name—"do you know why we acquitted that man in the Greenwood courthouse just about two hours ago?" The judge replied, "No; that verdict was quite a surprise to me." He said, "We acquitted him because we knew that you and I and every other man on that jury do the same thing that we just now did and what you were trying him for doing."

That is the condition we are putting this country in; there is no doubt about it. I practiced criminal law for 40 years, ever since I reached my majority, and I have defended all kinds of people. There are some who say it is wrong to take a case if the lawyer knows the man is guilty. I never thought so; I thought it was the lawyer's duty to see that the accused received substantial justice in a fair and proper manner—not to hide or conceal the crime, but to see that the accused had a fair and impartial trial by a fair jury. But the laws which are being enacted in this country to-day are bringing about such a condition that it will soon be impossible to secure a fair jury.

I am reminded of a story I once heard, and I presume Senators have heard it; I imagine it has been told as to every State, but it was told on Judge Hudson, one of the greatest jurists South Carolina ever produced. He was trying a fellow for stealing a hog.

The 12 men on the jury went out and found the accused not guilty. Subsequently, Judge Hudson said to the foreman of the jury, "Bill, that was a very strange verdict to me; you all must have known that fellow stole that hog." The foreman looked at him, laughed, and said, "Judge, that is so; but you know that seven of us were over at George's house the other night at a barbecue and we helped him eat that same hog." [Laughter.] That actually happened and can be proven by older men than am I in my State to-day.

Mr. President, I merely mention these two trifling incidents to show what the Congress of the United States is doing and to beg the Senate to stop. Oh, you may say, "I will be re-elected; the conditions referred to by the Senator from South Carolina have nothing to do with the case, not a thing in the world." Yes, Mr. President; I have known men to be elected who went back home and in reality were beaten. I have known men to be elected who knew when they took their seats that if the decision had been left to an honest vote of the people they never would have been heard of; but somebody stole enough votes to put them across because they had money or influence. I know that to be true. So I want the Senate to stop and think a little bit.

I have a cartoon here which I should like to give my friend from South Dakota [Mr. NORRICK]. It depicts a tramp going toward the South; flying over the top of his head is a flock of birds, and under the bottom is the legend "Migratory birds"—and the migratory birds include, of course, that beautiful tramp. [Laughter.] That cartoon reminds me of this bill. I stuck it here on the wall this morning, but I reckon it was against the rules, for somebody went over and took it down, to which I have raised no objection. [Laughter.]

Now, Mr. President, I want to analyze this bill a little. What I have said was in the way of generalities, but I wish to say, before I start on the bill, that I do believe there are Senators and Representatives who yet believe in giving the people some rights, some little privileges, anyway.

Just because we are getting old is no reason for taking away the privileges of everybody else; just because we do not want to drink is no reason why we should not let anybody else have

a drink. Be liberal, be wholehearted, be free-minded, and give the individual some little privileges; some little rights. Let us go back home and talk to our folks about some of these bills we are trying to pass. Let us ask them what they think about them. Go back and ask the cotton-mill boys down in the South what they think about the fact that they can not go fishing unless they have got some trifling little sniper snooping around to watch them and to try to get a chance to run them into court. Then what do they do in many instances? They do not take them into court. They say, "Give me \$2.50—your fine will be \$5, but give me \$2.50, and say no more about it." That is the kind of laws we are making.

Mr. WALSH of Massachusetts. A little more graft.

Mr. BLEASE. A little more graft, as my friend from Massachusetts well suggests. One of these little snipers which it was proposed to provide for in this bill might go out and catch some little fellow shooting, perhaps innocently. He would say to the one found shooting, "I will tell you what I will do"—I know that it is done in connection with the liquor business and there is no reason why they will not do it in the bird business. I have known some rather good men who sell "blind-tiger" liquor, and I have asked them how in the world they kept out of jail. "Well," they say, "We pay the law." They do not call them constables; they call it "the law" down in my country. Sometimes, when the officers are going out to search, one fellow sits around; he is on to the job; he goes to the phone and says, "That you, Bill?" "Yes." "The boys have laid out a program out here. They are going to be up at Barnwell Street first; then they are going across to Market Street; then they are going down on Jervey Street; they will get to your place just about so and so; look out." So about the time they are to get there Bill has got everything hid.

I am stating a fact now; I know it to be true. Bill has got everything hid and put away. The constables all come in, and the informer, the fellow who is getting the money, goes with them. They search everywhere; they find nothing; the constables all leave while Bill and two or three customers stay in the place. Just about the time the last constable goes out the door, Bill reaches down, sets his little stuff up, and says, "Boys, have another one; it is on the law"; and they all laugh. That is what is going on in this country and what is going on in the city of Washington; I know it.

Mr. BRUCE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. I always yield with pleasure to my friend from Maryland.

Mr. BRUCE. The Senator doubtless is aware of the fact that General Andrews stated not long ago, when he was connected with the Prohibition Service, that bootlegging was absolutely coextensive with the entire United States. So I am sure the Senator does not intend to create the impression that there is anything merely local or sectional about the conditions that he is depicting.

Mr. BLEASE. Mr. President, I thank my friend for the suggestion; but I am talking about all these fool laws about fishing and hunting and taking a little drink. That is about all I will say right now; but the people are getting tired of all that kind of laws—more tired of it than you think they are.

Mr. BRUCE. Mr. President, may I interrupt the Senator just once more?

The PRESIDENT pro tempore. Does the Senator from South Carolina further yield to the Senator from Maryland?

Mr. BLEASE. I do.

Mr. BRUCE. Does not the Senator's memory also go back to the time in the South—because I was born and bred in a southern community—when it was considered almost a scandalous thing for any reference to be made to politics in the pulpit?

Mr. BLEASE. I never heard of that until I went to running for governor, and then the preachers all went to preaching against me. As my friend from Massachusetts suggests, I had the fellow who sits in the pew on my side; but that is a fact. When I first announced for governor I think about 9 out of every 10 preachers in the whole State would close their Bibles and take their text on BLEASE. I appreciated it. The night after I was inaugurated, and made a speech out on the statehouse steps, I told them I appreciated their praying like they did; that a good many of them had told me they were praying for the best man to win, and I was sure their prayers had come true. Next morning I went into the governor's office, so I had no fault to find with their prayers; but my friend from Maryland is right. I never heard of preachers taking part in politics out in my State until I was a grown man. I do not blame them for taking a part in politics, however. They have got to raise money. They can not live and educate their children on nothing,

and they have got to get up something to interest the people with, and why not preach on somebody's politics?

Mr. President, here is this amendment splitting jurisdiction. If a State shall do so-and-so, why, then, the State will take control; but if the State does not do so-and-so, then we, the Federal Government, are going to take control. Why? I make the prediction right here this afternoon that if the enforcement of the prohibition law were left to the honor of the governor of each State of this Nation, you would come nearer having prohibition to-day than you have. I resented it when I was governor, and I never would allow one of my State men to go with a Federal officer to enforce a law for four years and over. If I were the Governor of South Carolina to-night, I would not let a single man under me mix into any raid or any arrest with which the Federal Government had anything to do, because I was not there sworn to uphold the laws of the United States except in so far as they applied to my own State government.

Mr. BRUCE. Mr. President, may I interrupt the Senator just once more?

The PRESIDENT pro tempore. Does the Senator from South Carolina further yield to the Senator from Maryland?

Mr. BLEASE. Yes, sir.

Mr. BRUCE. What the Senator is saying suggests to my mind naturally enough, of course, the fact that in Maryland we have positively refused, from the time of the enactment of the Volstead law, to pass any State prohibition enforcement law. The consequence is that while I often read of corrupt collusion between State and county police officers and prohibition agents, no such scandal, not in one single solitary instance, has been known in the State in which I live.

Mr. BLEASE. Mr. President, I am glad to hear that. I am not surprised at that State wanting a man like Ritchie for governor. If he has that much good, common horse sense, he does not need much other kind to be President of the United States.

This amendment is an effort to force a State to pass a law to keep the great United States Government from sending into it spies such as they used to shoot in the olden times. Why, I know the time when if a man calling himself a gentleman—of course he was not—had been out with a party of friends, and they had had something to drink, or killed a bird, or played a little social game of cards, and he had gone off and told it, he would have been condemned and blacklisted in decent company forever. You people in Congress up here have made it an honor, however. If a man is invited to a Senator's home, or invited to some friend's home, and perchance there should be a little wine or champagne served, and he goes out, like the contemptible cur that he is, and says that that wine was served at this table, this private home, he is honored; he is held up as a law-enforcing officer of the United States. The man that owns the home ought to shoot him like he would a mad dog trying to bite his baby on the front doorstep. [Laughter.]

That is how much I think of this kind of law, publicly expressed; and I hope it will be publicly printed, because I am not afraid of the people that I represent on this floor. I should be glad to go back home and make this same speech on the stump in every county in my State, because we love liberty; and, as I said here the other day, I repeat to-day, we have in the State of South Carolina the purest unmixed American blood in the American Union. There is no nigger marrying in my country. There is no marrying to Japs, and Chinamen, and other mixed breeds. We do not allow it. We have a law against it; and if the law does not take effect, disappearances from home sometimes take effect.

Mr. WALSH of Massachusetts. The only people that need reforming are the preachers, I judge.

Mr. BLEASE. Well, no. I think in my State we have a pretty good crowd of preachers.

Mr. President, this bill deprives a man of the right to a trial by jury. Read the sections of it and see. The Constitution of the United States and the constitutions of every State in this Union guarantee to every man the right of a trial by jury. It is considered a sacred right; and yet here is a bill, under the guise of a migratory bird bill, that takes away that right.

I do not see why these people who live away out in the West always want to be hopping on what we people down in the South do. What business is it of theirs? Why do you not let us alone? You make out that sectionalism is dead. It is just as bitter in the hearts of some people to-day as it was the day that Lee went to Appomattox Courthouse and met Grant and told him the war was over. He did not surrender. The South never has surrendered. You brought all the world to fight us from every nation on God's earth; you paid for them out of the Treasury, and you are paying millions of dollars now to the chaps that they left after them; but there is as much hatred

of the South in the North to-day, I am sorry to say, as there ever was; and I hate to see it. I did not believe it when I first came to the Senate, but it crops out here every day. There are men in the Senate and men in this city and men in this Nation who hate the South to-day just as much as they hated the South the day the Civil War was over. Do not tell me it is not true, for I have tried to see it the other way. I have tried to make friends the other way.

You come in here and take a Cape Cod Canal up here, and appropriate millions and millions of dollars to be wasted on a canal that never will be worth anything to this country. You have a Columbia River Basin project out here, for which you want about \$250,000,000. You have all kinds of other bills; but you let the South want something for a navy yard, you let the South want something for reclamation, you let the South want something for some other purposes, and you are told, "No." Economy comes in, and then you talk about loving us. If you love us, let us alone. We are not asking you to give us anything. We do not want any of your charity. We just want you to let us alone. If you want migratory bird bills and other things of that kind out in your country, have them; but my people are getting tired of them—very tired.

Why should a man be deprived of the right of trial by jury? Why should you go to work here and put in a bill that provides that if a man is caught shooting, violating this law, you are going to take him before a United States commissioner and let him fine him between \$25 and \$500? It is a ridiculous proposition; absolutely ridiculous! Who is going to settle on whether he shall pay \$25 or whether he shall pay \$500? I will tell you who is going to settle on it—the man who makes the arrest. He is going to make a bargain with that fellow before he ever gets to the commissioner. Whether it is the truth or not, he will say to him, "I will see the commissioner. I will have him make your fine a little bit, so-and-so. You give me so-and-so." That is what it amounts to.

If you want to be honest in your bill, and you are going to pass it, if nothing else will do you but to pass it, pass it, but put the truth in it. Say that if a man is tried, if a man is indicted for violating this law, he shall be taken before a regular court, where he is entitled to go. If he wants to plead guilty, let him get up in the courthouse before a judge whose authority is constituted by the State constitution or the United States Constitution, if he be a Federal judge, and let that judge decide what shall be a proper punishment.

Why let some little United States commissioner that does not happen to like some man's child, maybe, or does not like the man, because his boy violates this law, put on him an outrageous fine to humiliate the poor man, such a heavy fine that he knows that he can not pay it, and put his child in jail?

Why, Senators, I think the most of you surely can not be thinking seriously about this bill. I think you just like the Senator from South Dakota; I think you just see the interest he has in this bill, and I think you are just voting for it to please him, some of you. I wish I could take you through my State for about a week and let one of you get up and read this bill to my people, and then make your speech on it, without my saying a word, and just ask them what they think about it. You would find quite a different opinion from what you find among yourselves up here, when you are endeavoring to take everything in this world from the people of this country.

Now let us read a little bit of this bill. We have plenty of time.

Whether they kill the bill or not does not worry me. I just want my people to know I was not crazy enough to vote for such a thing as this. I read further from the bill:

SEC. 8. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned.

"Changed by reason of their acquisition and administration by the United States." Why, then, go on in the bill and make the exception "except so far as the punishment of offenses is concerned"? If you are going to make it even on one score, let us make it even on all. If you are going to put it under the jurisdiction of the United States Government, then why do you want to say that it shall not be the same in case of punishment? I can tell you why, Mr. President. It is because those who have charge of this bill have an idea that the judges appointed from the White House—I may have used the wrong word in saying "appointed." I might have said "designated" from the White House, possibly appointed from Wall Street at the dictate of the money interests of this country, the railroads and the bankers and some others, who generally name their man and send his name down to the White House, and the White

House sends his name here. That is about all they have to do with it. I should have said judges designated from that point; that those judges, being in the control of the United States Government, will be more harsh and deal more severely with people who happen to violate this law than a State judge, who lives among them, knows their condition, and knows the circumstances, and who knows the people with whom he is dealing. I can see no other reason why there is a desire to put that provision in the bill. Then there is this:

That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal law.

That is a wonderful section. I would like to know how the United States Congress can pass any other kind of a law. I would like to know by what authority they have a right to say what the punishment in a State court shall be—

in so far as they do not permit—

That is, the State law—

what is forbidden by Federal law.

There is another power given in this bill which I think this country is getting tired of, and it comes right in this section. When the United States Government was formed, Congress was established to make laws. What have we done? We have sat down here and delegated that power, until we can not make an appropriation without getting somebody else's consent. If there is a bill pending, and some matter comes up and a Senator would like to have an amendment put into the bill to appropriate a certain amount of money for a certain purpose, he is ruled out on a point of order, because some little sap-headed, big-headed Yankee has not approved of it. That is what I am getting tired of. Yet in this bill there is the same thing, and it is set out plainly here that that is the purpose. Its proponents do not even try to hide it or conceal it.

Are we to pass this, and continually pass such bills? As one, I want to warn the people of this country that if they keep on allowing things to go as they are going in this Congress it will not be long before the common man will not be anything in this country except a servant and a slave of somebody.

The Bureau of the Budget has far more power than Congress has. You even go so far as to say that certain boards shall pass laws, not only pass laws but fix the punishment that is to be inflicted for a violation of the law. Ignorance of the law is no excuse. There is not a lawyer in the United States of America, Chief Justice Taft not excepted, who knows what laws are on the statute books of this country to-day, and I will leave to the Chief Justice himself to say whether I am right or not.

Yet you pass a law and let some little board, as this bill proposes to do for the Agricultural Department, pass rules and regulations under the law, and then go out into the country districts and say to the boys and girls of the country, "We will try you and we will convict you," and if he says, "I never heard of this law," they will say, "Ignorance of the law is no excuse." There are Senators on this floor right now whom I might ask about certain statute laws and I venture to say they never heard of them or read them, and I know there are many that they could ask me about with the same result. You are piling them up all the time, robbing the people, absolutely stealing, as Robert Y. Hayne once said on the floor of the Senate, stealing the powers and the rights of the people of the States.

Down in my country there is a bank robbing the people, and I have tried my best to get the Senate to see about it. I want to talk about that bank a little bit, and this is a good time.

I understand the Treasury Department discovered so much rottenness down there that they will not even let the chairman of the committee call a meeting. I asked a friend of mine over here when the Committee on Banking and Currency was going to have a meeting, and he said that they have not had a meeting for a long time and he does not know when the chairman is going to call a meeting. I had printed in the RECORD an article from a paper showing that the bank in Columbia had charged off more than \$2,000,000 loaned on worthless land, which was put on the block and sold and the Government had to buy it in. I suggest that Senators get yesterday's RECORD, and there they will see the figures showing that the bank marked off as a total loss about \$2,000,000. That is gone. They actually loaned money to a man down there and took a mortgage on a big road. That is the truth. He went to the bank and told them he wanted to borrow some money, and they sent an inspector down there, and the in-

spector went back and informed them that it was all right. When they went to foreclose the mortgage they had about a half of a big road about a mile long included in the acreage on which they loaned the money.

That is the kind of a government we have down there, and when I come to the Senate and ask them to pass a resolution to go down there and investigate the condition of that bank, to investigate whether there is any rottenness in it or not, headquarters speaks. And who is headquarters? Andrew W. Mellon! If I had made as much money out of selling liquor as he has made, I would not want to oppress my people. I would have oppressed them enough. Mellon sits back and says, "Non-Beck, don't move." The Senator from South Dakota refuses to call his committee together, and the bank in Columbia continues to go on in this robbery and pilfering of the Federal Government. But a bill can be brought in to say to my people down there, "We rob you through the United States Government; we let this fellow running the Columbia bank rob you; and we will smile at that. That is what we want to do. You southerners ought to be robbed. That is all you are entitled to. You are poor, and we want to keep you poor. That is what is the matter. But we are not going to let you have any privileges. We will let your little boy go hunting, but if he happens to kill a migratory bird we will punish him."

There are plenty of people in this country who do not know what a migratory bird is. I doubt if there is a man on the floor of the Senate, the Senator from South Dakota included, who can stand up right now and repeat what is in the treaty as to what migratory birds are or who migratory birds are. Yet ignorance of the law is no excuse. The poor little devil who violates the law must go to jail because his daddy can not raise \$500, and the United States commissioner does not like him.

That is the kind of government we are living under. I do not know whether Hoover could do any worse than that. I know one thing. We have to put up with things under this Government, but we would not put up with Mr. Hoover's "black chocolates." I will tell you that.

If he should try to do with his "black chocolates" some of the things that Coolidge's people with nigger hearts and white blood do, they would not get very far in South Carolina with it.

What else is there in this beautiful bill? I read:

That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States, which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with the regulations of the Secretary of Agriculture.

Senators, why not say "except in accordance with the laws passed by the Congress of the United States"? Why do they say "except in accordance with regulations of the Secretary of Agriculture"? When did the Constitution of this country provide that Congress should delegate to the Secretary of Agriculture the right to make laws and regulations that the Senate is supposed to make? When did we reach the point where we delegated our power, instead of sitting here ourselves and saying what the laws of this country shall be? We are delegating that right to the Department of Agriculture. You might say that the Secretary of Agriculture is a great man. I do not know whether he is or not. I have never seen him. But the incumbent will not always be the Secretary of Agriculture. Mr. Hoover might appoint one of his "black chocolates" in order to do away with the race segregation in his Cabinet when he gets in. I do reserve one thing for him. I hope that just before the Kansas City convention goes to make his nomination, they will not circulate the report that Hoover has negro blood in him, in order to fool the southern negro delegates to vote for him on the next ballot. I guess you all know to what I am referring. It was done once.

If that Secretary of Agriculture should be changed, you do not know who the Secretary might possibly be; and why should you pass a bill saying that he shall make the laws, he shall make the regulations, he shall do the things that are to be done under this bill? That should not be in this bill. This measure in its present shape and its amended shape has no right to be placed on our statute books—

but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law

of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

That is what I object to. Why not say, "Provided such person does not violate the law of the United States Government"? You just simply say to a man, "You go down into South Carolina, or into Georgia, or into any other State you please, make any kind of a regulation you want to make—it does not make any difference what you make, you make the regulations—and then you take the money and you hire just as many contemptible little fellows as you can get and send them around over the country spying on these people, running them into the courts, running them before a commissioner." And yet you make no provision in this bill for the publication of those regulations, and the very people who violate them—not only them but you yourselves—possibly will not know what regulations the Secretary of Agriculture has made or under what rule he has his hand on you until you are arrested and dragged into the courts.

Further on in the bill it is provided:

That for the purposes of this act migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1906.

When I get through I would like to have the author of the bill—and I am not joking about it, either—if he does not know, which I have no idea he does, send for the books and read just exactly what migratory game birds are thus defined by the treaty between the United States and Great Britain. In order that the people of the country may know what a game bird is I called attention to a cartoon which I sent to the Senator from South Dakota which puts the tramp down as a migratory bird. I would like to know if he includes that "bird" in his bill. I would like to know just exactly what he does want included and exactly what people he is after under the bill as at present written.

Other sections of the bill are just as bad. Listen to this beautiful provision:

And then he may take such bird or nest or eggs thereof, respectively, only in accordance with the Federal law and regulations of the Secretary of Agriculture adopted and approved.

Think of that! Not according to the laws of the United States Government, not according to the laws of the State government, but he "may take such bird or nest or eggs, respectively, only in accordance with the Federal law and regulations of the Secretary of Agriculture."

What does that do? It gives this same Secretary of Agriculture more power than the Congress of the United States has, because in this body it takes a majority vote to pass a bill, and then it has to go from this body to the House, or if it originates in the House it has to come from there to the Senate. The House has to put its approval on the bill by a majority vote. Then the bill has to go to the President of the United States, and if he sees fit to veto it and it comes back to the Senate and the House it takes a two-thirds vote of Congress to pass that bill over the veto. Yet here is a bill just about to be passed, and which I suppose will be passed by this body, saying to the Secretary of Agriculture that he may make any law he pleases, he may make any regulation he pleases, he may provide punishment, and when any one of those regulations is violated the boy, the girl, the man, or the woman who violates his rules and regulations shall be fined not less than \$25 nor more than \$500.

That is more power, I repeat, than either House of Congress or the President has. The very purpose in having two Houses of Congress was to let one be a check on the other, so that if the Senate should hastily do something the House, in its more mature deliberation, might correct the wrong, or vice versa. Then the framers of the Constitution went further and said "We do not propose to let delegates from the States make a law. Congress can not make a law. No," they said, "we will not allow it." They said that the President of the United States, sometimes elected by the people, and sometimes by political tricksters, must place his approval on the bill before it can become a law. And yet here to-day, in April, 1928, the Senate is about to become the father of a law which transfers and gives more authority to the Secretary of Agriculture than is given to the House of Representatives and the Senate combined.

We are about to pass over it as lightly as we recently passed over a bill giving many million dollars for the purchase of the Cape Cod Canal, and just as the other day we came mighty near to authorizing an appropriation of \$300,000,000 for the Columbia Basin project. But when the people in the Mississippi Valley come up and want some money, we are told, "I am going to veto it if you do not do so-and-so." There is no

veto for money going to the East. There is no veto for money going out into certain sections of the country represented by certain Senators, but if it is to go into another section of the country there is held up a threatened veto, a threat to Congress "if you do thus and so you will have to override a veto."

Why these discriminations? A Senator of these United States, according to my conception, is not here to represent his State alone. If he is, he should resign and go back to his home State and run for the State legislature. A man in the United States Senate, it seems to me, ought to come as a representative of all the people of the country. I have voted for measures which came from the other side of the aisle and been very severely criticized in my home State for it. Some of my best friends have written letters of protest to me and some of the newspapers have had some very harsh things to say because I voted a certain way on certain measures. I voted that way because I believed it was for the best interests of the Nation even though it might not have been for the best interests of my own little State. I do not vote for any measure because it comes from the Republican side or the Democratic side, and I do not vote for it because it is introduced by a friend of mine or a man who is not a friend of mine. I vote for it or against it as I believe it to be for the best interests of the Nation.

Do we get laws enacted in that way? I think not. I have seen Senators come here at the very first of the session and introduce their bills quickly because they wanted to get them started through. Those bills never come out of the committee. They are never reported back to the Senate. There are bills in committees now on which the chairmen have been asked repeatedly to act. Some of those bills were introduced during the first three days of the session and yet we can not get a report on them. Why is that? Some Senators get up here and introduce a bill and somebody will whisper, "That bill is too late; they will never reach it." The next day the bill will be reported back favorably from the committee, and unanimous consent is asked for its immediate consideration, and in less than 48 hours after it is introduced it is passed. Why that discrimination?

A good many of the people of the country do not know of these things, but they are liable to know of them some day. They do not have anybody to go back home and tell them about those things. Of course, the newspapers do not worry themselves about telling anything with reference to those who oppose them. They do not worry about telling anything except about the man who sets them up to good cigars or a good drink of liquor, or something of that kind, then he gets a good write up all the time. His name is continuously in the papers. But if he happens to be not one of the favorites it does not matter what he may say or do. I am not speaking personally in that connection, because I do not want them to praise me. The newspapers in my State sent me here by abusing me, and if they should come out and praise me now I am afraid my home folks would think I had sold out, so I want them to keep on "cussing" me.

But I have seen other Senators get their bills through in the way I have just stated. Why is that? It is the money power, just as the money power is controlling the press in certain sections of the country to-day in connection with the presidential race. They are bought. They are hirelings of the interests, just as much so as the blackest nigger that shines a shoe in a barber shop in my State.

They are working for the same interests and the same pay that the laborer works for, but against the interests of the country unless those interests be dictated by the money interests. We have had some men send emissaries over the country to see how certain candidates would stand for President and who they would nominate. We have a very large money interest in the country to-day that does not care whether Smith or Hoover is nominated. They want to see them both nominated. They want the Democrats to nominate Smith and the Republicans to nominate Hoover. Then they can sit back and laugh. They will have two horses in the race from two different stables owned by the same man and it does not make any difference to them which one wins, the owner of the stables gets the money. That is what is going on in this country and in the Senate Chamber at this time.

I want to comment now on one other section, and this is a very important and very significant one, too. It provides that for the efficient execution of this act the judges of the several courts established under the laws of the United States, the United States commissioners, and persons appointed by the Secretary of Agriculture shall have the right to seize certain property which shall be disposed of as provided by section 5 of this bird bill, giving to those people the power not only to arrest a man and deprive him of his right of trial by jury, not only depriving him of the right to be taken before a United States commissioner, but

actually giving those men appointed by the Secretary of Agriculture the power to seize the property of the people, when the Constitution particularly and distinctly says that there shall be no seizure and no search without warrant; that no right shall exist to seize the people's property without a proper warrant. Yet here is a section in this bill giving to these agents of the Department of Agriculture the right to seize property without a warrant, without other authority of law than the fact that they are appointed by the Secretary of Agriculture for that purpose.

How far are we intending to go in our efforts to break down the Constitution of the country? An officer may go into a man's home. He does not have to have a warrant for that. A man comes to your door to-night and knocks on the door. You go to the door and ask what he wants. "I want to search your house." "Have you a warrant?" "No." "You want to search my house?" "Yes"; and he deliberately comes in and searches it. If you say, "No; I will shoot you down like a dog if you enter my house without a warrant," then you find that he has some little henchman with him, and the two of them will go back and swear that you came to the door with a flashlight, flashed it on them, and that you had a double-barreled, sawed-off shotgun and poked it in their faces and that they had to shoot in self-defense. Then some little United States judge, with about as much brains as a jay bird, who sits on the bench will direct a verdict of "not guilty." This great agent of the law had a right to shoot that man down in his home without a warrant, the victim not even knowing what he was charged with; and Senators are sitting here and by the act which it is now sought to pass proposing to delegate the same kind of power to a man appointed by the Secretary of Agriculture for the purpose of enforcing a bird law, putting a few birds that they happen to call "migratory" above the lives of the American people and the individual citizens of this country.

I do not think, Mr. President, that some Senators can have read this bill; I think some of them have taken it possibly on good faith. I do not believe that the committee before whom the bill went could possibly have given it that serious thought and consideration that they should have given it, because I do not see how men would vote to give any such power to irresponsible agents.

We hear the question sometimes asked, "Why does not the Government get better men to execute and enforce the law?" How are we going to get decent men to hold a job like that? Where are we going to find them? You can not find a decent man in this country, a man of good blood, a man who has been well bred and well reared—and it takes both to make a true man, although sometimes we see a man who is well bred but is not well reared, and we very often find a well-reared man who is not well bred. [Laughter.] But it is asked, "Why do you not get better men?" Whom are you going to get? Who do you think is going to take a job that will compel the holder of it to come to your house and ask you to go out shooting with him and then when you go out and shoot a bird put his gun on you and say, "I have got you; you have violated the law," as officers do in connection with prohibition enforcement? They come over to a man's house saying, "I have got such a terrible pain in my stomach."

Mr. BRUCE. Mr. President, the happy distinction which the Senator from South Carolina made between well-bred and well-reared people reminds me of a remark of John Randolph of Roanoke when he instituted a comparison between Andrew Jackson and John Quincy Adams. He said that Andrew Jackson had no knowledge because he had never been taught, but that John Quincy Adams had none because he was not teachable.

Mr. BLEASE. Mr. President, I think John Randolph had it about right. On Sunday last a statue was unveiled in the Capitol to one who I reckon was a great man, and I notice that somebody from my State said there was not but one South Carolinian present. I do not know why the others did not attend, but I had my reason for not going, so I did not go. I agree with the distinguished Senator from Maryland and I thank him for his contribution.

I repeat, Where are you going to get good men for these places? A Government agent goes to a man and says, "I am awful sick. Ain't you got a little whisky?" "I have not got a bit." "You don't know just how sick I am. Can you not give me a little bit or just sell me a little?" The poor fellow who has a half pint or pint goes and gives the man a drink, and he says, "Take this," and lays down a dollar or 50 cents and leaves it there. He then goes out and swears some poor negro or poor white man sold the whisky to him, and has him arrested.

Senators, that is what you are fixing to have under this bird bill. The people are getting tired of it. They submit for a long time and they will take a great deal; there is no question about that; you can fool them a great deal of the time and you can

fool a great many of them, but when you just keep on encroaching after a while they are going to stop, and when they stop they are going to stop you. If they can not stop you they are going to stop the man whom you send to take their last little privileges away from them.

Some may say, "But we will hang them." That is all right. Away back yonder—I do not know how many years ago it has been—people were burned at the stake to keep down the Christian religion. They burned Tyndale, the man who translated the first Bible into English; they burned a good many others; but when they got through with the burning they found that the Christian religion was stronger than ever; that Jesus Christ still reigned supreme. So you folk are going to wake up some morning and find that the white people of the American Nation reign supreme, and that they are tired, that they are weary of being dictated to and controlled and shackled and hampered in every contemptible way and by every contemptible kind of means that can be devised which it is thought will break down and destroy their peace and their happiness.

Trial by jury gone! Who is going to submit to it? How long are the people going to submit to it? I do not know how long other States are going to submit to it, but when representatives from my State come up here and vote for bills such as this and some others that are being passed, I know how long they are going to be here. They are going to be here just exactly until the expiration of the time for which they have been commissioned, and beginning at 12 o'clock after that date they are going to be at home, or else they will be loafing around Washington, as some are doing now, lobbying, getting into other people's chairs, and interfering with the business of the Senate. [Laughter.]

I wish the Senator from South Dakota [Mr. NORBECK] would go with me to South Carolina at some time. I would be delighted to have him. I would guarantee him any kind of happiness and pleasure he might want and that money could buy—all he wanted to eat and all he wanted to drink, and nice comfortable places in which to sleep—and let him meet a free people, God's people, God's chosen people, a people whose ancestors fought in the Revolutionary War and in the Mexican War and in the War of 1812; people who themselves fought in the Spanish-American War and in the World War, and some of whom are fighting in Nicaragua yonder right now. One South Carolina boy was killed there the other day. He was supposed to be fighting for liberty; but, poor devil, he did not know what he was doing; the Republican administration just sent him there and fooled him; but he thought he was fighting for his country, and that made it all right with him. He was buried over at Arlington yesterday. They shot a few guns over his grave and blew a bugle, I understand, although I was not able to get there. I do not know what good it did him, but he was accorded the final honors due a soldier, and it was all right to do it, and was some consolation to those he left behind him.

However, as I was saying, I should like to have my friend from South Dakota visit me in South Carolina so that he could see the folks in that State, the good common white folks, with no mixed-up blood in them. Then let him go back to South Dakota and talk to his people there; think of what he has seen and heard in South Carolina; compare the two; and I think he would change his views as to some of these radical measures.

We in South Carolina did not come here from across the water; we have not shoved anybody out of a job. We created our own jobs; we made this country; we made our own liberty; but so long as Congress continues to pass such laws as this intended law now before us, and some others which have been passed, they are simply driving this country farther and farther apart. Of that there can be no doubt.

Mr. President, I am glad the Senator from South Dakota has come over on this side of the Chamber. I wish to read him something. I quote from the bill, as follows:

Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of this act, or of the migratory bird treaty act (title 16, secs. 703-711, inclusive, U. S. C.), or of title 18, sections 145, 391, 392, 393, or 394, of the United States Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioners such sum not exceeding the maximum fines prescribed by said acts and sections, respectively, as may be fixed by said commissioner.

That is a provision of the bill. It is absolutely in violation of the Constitution of the United States and the constitutions of the various States, because what right, I ask Senators, have they under their constitutional oaths to hold out an induce-

ment to a man who is not guilty of a crime to plead guilty to a crime in order to be let off with a lesser fine? Here is the inducement: Two men go out and they catch a man violating this proposed law, or any other law, although he may not be violating any law, and they say, "I arrest you." He asks, "For what?" They say, "You have violated the bird law." "I have not." But to make a showing they take him before a United States commissioner and say, "It will cost you \$50 to get a lawyer; it will take three or four days for your trial; you will have to pay somebody to go on your bond to keep from lying in jail until the trial takes place; but if you will plead guilty, even though you are not guilty, we will get the commissioner to let you off for \$25, which would be less than half of what it would otherwise cost you." The poor devil makes the best of the situation, goes to court, pleads guilty, and pays the \$25 in order that these agents may report a violation at a certain place or a bird killed at a certain place, and such and such a fine collected.

Senators, that is what I am protesting against. That is a kind of law I do not believe in and that is the kind of law I am standing here to-day endeavoring to try to call to the attention of the Senate.

Then, Mr. President, listen to this grant of double authority:

SEC. 17. That the patrol for the protection of migratory birds on Federal migratory bird reservations established hereunder in any State may be carried on by such State, through its agency or agencies charged with the administration of its game laws, concurrently with the Secretary of Agriculture whenever so authorized by its legislature.

Mr. NORBECK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LOCHER in the chair). Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. BLEASE. Yes.

Mr. NORBECK. I do not want to take up the Senator's time because I know he is hurrying on and everybody wants to bring the consideration of the bill to a close as soon as possible, but the section to which the Senator has just referred was stricken from the bill by the Caraway amendment, and is not in the bill any longer.

Mr. BLEASE. That may be true, Mr. President, but when the bill goes to conference it is going to be put back in the bill. I have seen that done here too often not to know.

I saw a bill here the other day that was allowed to pass, and the objection was withdrawn because they said they would fix the objectionable part in the conference committee. That is a greater power than we have here in these two bodies. I saw a flood control bill go through here, too, the other day. Men sat right here and voted for it for political effect who knew it was not right; but they knew it was going to get into hobbles over yonder, and by the time it got between the two Houses it would be straightened out, and they would have the credit for voting for a bill which, if they had known it was going to be a law right then, they very likely would not have voted for.

So it is with this bill. If this bill ever goes out of the Senate, no matter what shape it is in, and goes across to the other House, all they have got to do is to refuse to agree to certain amendments; and the Vice President sits in that chair, and he is smart. Do not worry about that. He would make a very able President of these United States, too. I will say that in passing; but I have never yet seen him put two men on any conference committee on the same side that were not favorable or unfavorable to that bill, whichever way the Republican Party wanted it to go. Do not worry about that, now; and I do not blame him for it. If he is going to be a Republican, let him be one. If he is going to be Presiding Officer, why, let him preside. If he is not going to be, let him get out and let somebody else be. I believe in that doctrine.

What does that mean? That means to say to your State and to mine, "If you do not want Federal agents coming down here and messing with your business and interfering with your people and haranguing and deviling your people, have your legislature pass this law." That is a beautiful threat. "This is the migratory bird law. We are going to enforce this law. We are going to send agents of the Federal Government down here to enforce this law; but if you will submit to this law peacefully, give up your State rights, give up your individuality, and let your legislature adopt this as the law of your State, we will let you enforce it."

I am opposed to any such legislation. If a law is right, pass it without any provision as to whether anybody will accept it or not. If it is not right, do not pass it under any conditions or circumstances. If that is done, I am satisfied that there will be no mistake as to the laws we pass in this country.

I repeat that I am for State rights. I believe in letting every State in the American Union control its own affairs without interference from any other power, whether it be the Government of the United States or any other government. I realize that that idea is getting very unpopular. I realize that very few people in this country to-day are standing up fairly and squarely for that position. It seems that most of them have about reached the conclusion that they are willing to turn over the making of all laws to Congress, and that Congress has about made up its mind to turn over all the laws that are to be made to bureaus; and after a while, I presume, if it keeps on, somebody will offer a bill to wipe out State lines entirely. Just wipe them out. Do not have any State courts. Do not have any State officials. Just have them like Territories.

Let the President appoint a governor for each State, or some kind of a ruler—a viceroy, as my friend from Arizona [Mr. ASHURST] suggests. Let Congress pass the laws to govern the people of all the States. Let Congress empower some little bureau in each State to make the laws for that particular State. Let Congress be the entire, supreme power and boss of the entire United States of America, without giving to the people of a State the right to make any law for their own self-respect or to confine themselves within their own limits in the making of those laws; but have no State lines. That is what you are rapidly coming to, Senators; and when that day comes, woe be unto America!

Other countries have thought they were mighty big. They thought they ruled the world. Napoleon Bonaparte, I think, got to where he thought the only power that could interfere with him was God. As I read his history, I do think that he believed in a God; but that is what he believed. You see what his end was. We had some great countries in the Old World. They thought they controlled it and owned it. They crumbled. They have passed away and are numbered only in the dim pencillings of history. America might take warning from their fate. There is a higher hand than man's; and when that hand moves it makes no difference how large your citizenship may be; it makes no difference how brainy it may be; it makes no difference how strong it may be; it will crumble. When Americans stand back and think they are the supreme people of all the world, and that no power can interfere with them, we have but to look in our own Chamber. We see men standing here, strong, the very picture of health and young manhood, and in the twinkling of an eye they are gone from the world and from the stage of action. In the same twinkling of an eye this Nation can go.

Mr. President, when it was said that "Whatsoever a man soweth, that shall he also reap," I firmly believe that was intended to apply just as much to the city and to the county and to the State and to the Nation as it applies to the individual. I believe that whatsoever any country sows that country will reap. We are sowing to-day for destruction, for riots, for strikes, for dissatisfaction, for discontent, for unhappiness just as surely as God sits upon His throne, because no few men can take the control of this country in their hands and dominate it to the destruction of the many. Sooner or later the majority will speak, and they will speak in no uncertain terms.

As for me, Mr. President, I should much prefer to have a poor government and a rich people than to have a rich government and a poor people. That is democracy. That is the democracy that this Congress should move forward to instead of looking backward and endeavoring to take away every privilege and every right that any citizen of this country has.

We talk about being a great country. Yes; we are, but are we a great people? That is the question that should come first and uppermost in our minds.

A great people is a democratic people; a people that believes in equal rights to all and special privileges to none; a people that believes that the humblest citizen should have the same care and the same protection as the wealthiest; a people that believes that if the rich and the mighty are able to have on their tables that which is best to eat, and, if they see fit to do so, that which they wish to drink; then the most humble in their peaceful way can have what they wish to eat and what they wish to drink; can have their fun and their pleasure. This bill, however, does not apply to the rich man who comes into South Carolina and buys a big reservation, like Barney Baruch, Joe Frelinghuysen, and other men of money, whom I have not anything against, and whom I welcome to my State. They come there and have these large estates. They bring their friends. They have whatever they want; and when I say "whatever they want," I mean what they want. They go out and hunt deer; they shoot quail; they go fishing Sunday, Mon-

day, or any other time they please, and not a word is said. They are the mighty. They have the money. They own big tracts of land. They are on their own land. But if some man who works in a cotton mill or works in a railroad shop from bright and early Monday morning until Saturday night, or Saturday at 12 o'clock, goes home, takes his little bath, gets a little fishing line or a little shotgun and goes out to fish or goes out to shoot a bird, why, here comes along your law and says, "We will put you in jail." "Why?" "Because you are a poor man, and you do not own a big tract of land. You got on somebody else's land."

That is not equality of government. That is not a fair government. That is not an honest government. You are not honest with your people—no government is—that stands up and says, "If you are able to buy a thousand acres of land in South Carolina, you can drink liquor on it, you can make liquor on it, you can fish in the stream that runs through it, you can hunt all the birds that fly across it; but if you have not got these big acres of land, if you do these things the United States Government will put her strong hand on you and put you in jail or in a chain gang."

That is the kind of government I am protesting against. That is the kind of government that I never have subscribed to, and never intend to subscribe to.

Now, why this bill? I have not heard a single reason given for the passage of this bill—not one—and I have listened to the discussion of it. The only reason is to make a few jobs for somebody in the shape of enforcement officials, and create a graft gang to impose upon somebody whose only possible little happiness in life is to have a little hunting trip or go off fishing. Why keep on, gentlemen? You know I am telling you the truth.

You know just as well as I know that there are some men who can do anything they want to do, and it is hidden. If a policeman sees it, he is afraid to say anything about it. If the sheriff sees it, he is afraid he will be defeated at the next election, or lots of them are, and not a word is said; it is covered up, the darkness of the night hides it. But you let some darkey, or some white man who is not so fortunate, go to the same place and do the same thing, and they will lock him up just as quickly as the police wagon can get there and hurry him to the station.

I want to see a government that will put the President of the United States in jail for violating the law just as quickly as it will put the most humble citizen there, a government that will take a judge off the bench who would go the night before and drink the liquor that he sentences the man the next day for transporting to his room, a government that will take the prosecuting attorney out of his office who will drink liquor and gamble and commit other crimes, and go the next day into court and make the most eloquent speeches to put the poor devil in jail who possibly has brought to his room the whisky he drank.

I want to see a government that will allow every man to have a decent suit of clothes, every man to have good substantial food, not fancy, fine food, but at least good, common food, that will sustain his body and give him the life and existence that his Maker intended for him to have.

I want to see a government that says to the people of the country, "Your liberty is yours, and so long as you do not trample upon the rights of your neighbor, you are living the life of a citizen, and can move on, and we will give you the same protection and the same liberty and the same life that we give to the man of money and the man of means."

Do we have that kind of a government to-day? Certainly not. Does this bill intend to give it? Most assuredly not. This bill is in the interest of the few people, this bill is in the interest of the man who has money; this bill is in the interest of the man who wants to keep a certain class of people down under his foot, who does not want them to realize that they are his equals, who does not want them to know that the American Government is theirs as much so as it is the rich man's.

Mr. President, when that form of government comes, there will not be the idleness there is to-day all over this country, farms will not be put on the block all over this country, and there will not be a Federal land bank like the one run in Columbia, S. C., violating the law, buying in land in the name of the Government, and creating a country of landlords and serfs.

I have heard much talk about the farmers, and helping the farmers. No man thinks more of the farmer than I do. I wish I knew how to help him by legislation. But it is not helping him to have a land bank, like the one in Columbia, S. C., that charges so much as an attorney's fee to look up a little piece of land, charges a commissioner's fee to go out and look over

the land and appraise it, charges so much fees for drawing papers, and then charges a double rate of interest for the money, then, when the man can not pay, sells him out, turns him and his little children into the street, and buys the land in the name of the rich United States Government.

It is just such laws as that and just such laws as this measure, Mr. President, that are creating the discontent in this country.

Mr. President, in the journal of the Senate of the General Assembly of the State of South Carolina for the extra session of 1914, on page 107, I quote the following from my message of Wednesday, October 7, 1914:

In my speech at Charleston, following the first primary, I said to the people that the western Senators and Members of the National House of Representatives were not going to permit the United States Government to do what Senator SMITH and his friends and supporters had promised, and that if they were not careful, instead of carrying out the policies which had been promised, the next thing we would hear of would be a demand from other parts of the United States for a tax on cotton. How true was the prophecy! The people who heard the Dillon speech and the Charleston speech will bear witness that I made these prophecies.

I referred to this statement in my remarks, which will be found on page 6361 of the CONGRESSIONAL RECORD, April 13, 1928.

Mr. President, I read now for the information of the Senate the following letter:

THE EQUALIZATION FEE AND COTTON

The above subject reminds me of Johnny, who was kicked in the face by the cow. His mother called the doctor and asked if he could restore his looks. The doctor said, "No; that his face was disfigured, but Johnny now knows more about a cow." When the kick-back from applying an equalization fee on cotton hits the men in public life, they will be disfigured for the rest of their political careers, but will then know more about cotton. The McNary-Haugen bill proposes to place an equalization fee or tax on cotton as ginned. It will tax bolly cotton the same as high-grade cotton, although the difference in price between the two may be 15 or 20 cents per pound. What the farmers who raise low-grade cotton will say when they pay this tax will be a plenty. The bill provides that the tax revenue shall be applied for the benefit of the contributing commodity. That's what the bill says now. But when this tax is once established and a subsequent Republican Congress, as expediency demands, revises this feature, cotton farmers will find that they will probably be paying a tax for the benefit of wheat and corn producers.

We all know the affection the Greeks held for the Trojans when they made the gift of the wooden horse. The Wheat and Corn Belts of the Middle West are handing the cotton farmers a wooden horse. The equalization fee was conceived in the interest of the wheat and corn farmers of the Middle West. Their representatives feel that this equalization fee will be of benefit to wheat and corn, and then they seek to induce the cotton representatives to apply the same thing to cotton. Now, if the wheat and corn Congressmen feel sincerely that the equalization fee will be of benefit to wheat and corn let the representatives of the Southern Cotton States offer to vote for the bill applying the equalization fee to wheat and corn but excluding cotton from this feature of the bill. Do you think these Middle West Congressmen will accept the offer? If they sincerely feel that the equalization fee is such a good thing for wheat and corn, they will accept the offer, but if they reject it and insist that the equalization fee must apply to cotton as well as to wheat and corn their sincerity can well be doubted. Who ever heard of a Congressman from the Middle West attempting to force on cotton from the Southland a boon it does not want? The difference between cotton on the one hand and wheat and corn on the other is very marked.

Of a corn crop of approximately 2,800,000,000 bushels, 50,000,000 bushels will be exported. Of a cotton crop of 13,000,000 bales, 8,000,000 bales will be exported. Of a wheat crop of 850,000,000 bushels, 225,000,000 will be exported. It will take a comparatively small levy on corn to absorb the loss from exporting 50,000,000 bushels at less than market price, and likewise a comparatively small levy on wheat for the same purpose. As to cotton, it is different. We export 60 per cent of the crop. Therefore the 40 per cent remaining in this country will have to bear the burden of a loss resulting from exporting at a sacrifice. If the workings of the bill bring about a material increase in the price of cotton exported, the world will turn to cotton other than from America. To-day we produce about 60 per cent of the world's crop. Let us attempt to artificially elevate the price and the world will rebel "on" cotton, just as it did "on" rubber. England imposed the Stevenson rubber scheme when it had a practical monopoly on rubber. The result was stimulation of production and intensive research for new rubber fields. England had to abandon the project, not, however, until its Indian colony of rubber producers had been immeasurably injured, for the "outside production" that had thus been stimulated will be permanent competitors.

If the cotton farmers want to build up severe competitors from sections that do not now grow cotton, pass this McNary-Haugen bill and artificially elevate the price to the foreign consumers or export it at a loss, impose the penalty on the American farmers and incur their everlasting resentment—once the experiences of the working of the bill manifest themselves.

It is well to note here 3,000 acres planted this year to cotton in a new cotton section of Russia. (See Foreign Crops and Markets, April 9, 1928.)

No prudent man ever indulges in a venture without carefully considering first whether the same is justified by conditions and then whether the probable gains warrant the risks. In corn, demand is shrinking—Europe is rapidly increasing its hog family and curtailing its demand for American hog products. The Government, in a recent report, stated that the number of horses on farms is less than 20 years ago. A few years ago hogs on feed were reported as 70,000,000; to-day, around 56,000,000. In cotton it is different—the world's use of cotton is expanding—the automobile, responsible for decline in use of the horse, is absorbing cotton in increasing amounts. In 1926 the United States raised a record crop of around 18,000,000 bales of lint. It has practically all disappeared. Consumption of American cotton a few years back was 13,000,000 per year; to-day it is estimated at 16,000,000. It is now claimed that unless we raise this year 15,000,000 bales cotton will sell at 25 cents per pound. And yet, with this glorious picture before us, cotton Congressmen, from cotton States, consider penalizing the cotton farmer with this equalization-fee venture, because corn with its shrinking consumption has hypnotized them.

It is popular to cry "farm relief," but should every farm product be treated with the same physic? Because some have diphtheria, should everyone in the community be treated with antitoxin? Because corn is in distress, should the welfare of the cotton farmer be encroached upon? Give corn what it wants but save the cotton farmer from his "corn friends."

Yours sincerely,

DAN SONNENTHEIL,

993 Park Avenue, New York City, and Dallas, Tex.

I think, Mr. President, that I was the only southern Senator who lives in a cotton-growing State who voted against the McNary-Haugen bill in the Senate. I have no doubt but that the letter which I have just read will be of some interest to some of the Members of the House of Representatives, and I hope that somebody interested in this matter will be kind enough to call the attention of the President of the United States to the letter, so that when he gets the bill he can put on it what he did when a similar bill was passed before. I do not know how many votes there will be here to pass it over his veto, but I assure him that there will be one from a cotton-growing State that will certainly vote not to pass it over his veto.

The so-called farm relief bill, this migratory bird bill, and some other few bills that I could mention are the kind of bills that I have spoken about this afternoon. They are the things I have tried in my feeble way to call to the attention of the Senate. If the Senate does not see fit to listen to what I have to say, or to pay any attention to it, I hope it will not be entirely wasted, but that the people of this country, those who have not the privilege of being Representatives or Senators and those who have not the privilege of owning great estates and large tracts of land where they can go and enjoy the privileges by themselves, or take a body of their friends with them and violate the laws openly with impunity—I hope that they, the people, will at least receive some information by having called to their attention the matters about which I have spoken this afternoon.

I hope that Senators in their leisure moments will sometimes stop to think how they would like to be treated as they are treating the ordinary poor people of the country. I do not know that every Senator here is a rich man. I have never taken the time to look it up and never expect to do so, because it is none of my business whether they are rich or poor. But I have an idea that somewhere in this body there are some men who have to appeal at home not to the political bosses or to the ring, who do not have to jump at the crack of the whip of the ringmaster, who will stop and consider and think how far we have gone with this class of legislation and endeavor to give some relief to the people of the country.

Mr. President, I suggest the absence of a quorum.

Mr. CURTIS. Mr. President, I hope the Senator will withdraw that until we can get a vote. If it is necessary to have a yea-and-nay vote, we can get a quorum in that way.

Mr. BLEASE. I want a yea-and-nay vote.

Mr. CURTIS. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. CARAWAY] as a substitute for section 17.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

Mr. BLEASE. Mr. President, I renew my suggestion of the absence of a quorum.

Mr. NORBECK. Mr. President, I think we can avoid the necessity for calling a quorum. I will accept the amendment which the Senator suggests, and then we will get a vote on the bill without having a roll call or a quorum call. I move that all of section 14, from line 12 on, be stricken out.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 8, beginning with line 12, strike out the following:

Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of this act, or of the migratory bird treaty act (title 16, secs. 703 to 711, inclusive, of the U. S. C.), or of title 18, sections 145, 391, 392, 393, or 394 of the United States Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner, such sum not exceeding the maximum fines prescribed by said acts and sections, respectively, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The Senator from Ohio [Mr. FESS] gave notice that he would ask for a separate vote on the amendment on page 3, line 15. Without objection, the other amendments made as in Committee of the Whole are concurred in. The question is on concurring in the amendment on which the Senator from Ohio asked a separate vote, which will be stated.

The CHIEF CLERK. On page 3, line 19, after the word "appropriated," insert the words "hereunder by Congress from time to time."

The amendment was concurred in.

Mr. BLEASE. Mr. President, in order to be agreeable to my friend from Kansas, I withdraw my request for a quorum. The Senator from South Dakota has stricken from the bill one very objectionable feature. I still object to the bill, but I shall not delay the Senate by asking for a ye-and-nay vote. However, I want to be recorded as still being opposed to the measure.

The bill was ordered to be engrossed and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass? On a division, the bill was passed.

The title was amended so as to read: "A bill to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes."

DEMOCRATIC PRESIDENTIAL NOMINATION

Mr. SHEPPARD. Mr. President, in a recent press dispatch going out from Washington it was stated, in reference to several southern dry Democratic Senators, including myself, that we were now being disturbed by a suspicion that the Anti-Saloon League, the Woman's Christian Temperance Union, and similar dry organizations had decided to let Smith seek the nomination and then turn to the Republican Party in a body in the November election. As to myself, and so far as my knowledge goes as to the other Senators alluded to, this statement is erroneous. I have no such suspicion or thought, and I feel sure that my dry southern colleagues have no such suspicion or thought.

Another inaccuracy, doubtless unintentional, in the dispatch is the statement that it is my belief that the drys in the Democratic Party have failed to organize any campaign at all.

DECORATIONS FOR OFFICERS OF THE NAVY AND MARINE CORPS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of service rendered, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HALE, Mr. REED of Pennsylvania, and Mr. SWANSON conferees on the part of the Senate.

NAVAL APPROPRIATIONS

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of Calendar 818, House bill 12286, the naval appropriation bill.

Mr. HEFLIN. Mr. President, I do not think we can get anywhere with the consideration of the bill this afternoon. There are some of us who want to discuss it.

Mr. CURTIS. It is not intended to proceed with the consideration of the bill this afternoon. It will be laid aside immediately for an executive session, and its consideration will be resumed to-morrow at 2 o'clock.

Mr. HEFLIN. Very well.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 15 minutes p. m.) adjourned until to-morrow, Thursday, April 19, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 18, 1928

CHIEF JUSTICE OF COURT OF CLAIMS

Fenton W. Booth, of Illinois, to be chief justice of the Court of Claims, vice Edward K. Campbell, resigned.

JUDGE OF COURT OF CLAIMS

Nicholas J. Sinnott, of Oregon, to be judge of the Court of Claims, vice Fenton W. Booth, nominated to be chief justice of the Court of Claims.

UNITED STATES MARSHAL

Thomas Bolton, of Montana, to be United States marshal, district of Montana, vice Engelhart Lieberg, appointed by the court.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 18, 1928

CHIEF JUSTICE OF THE COURT OF CLAIMS

Fenton W. Booth.

POSTMASTERS

NEW YORK

Celia M. Arnold, Chautauqua.
Vida O. Heinold, Cold Brook.
Clarence R. Chismore, Ilion.
Charles A. Sandburg, Jamestown.
Frank E. Whitemore, Johnson City.
John Jack, Lawrence.
Charles H. Griffin, Oakfield.
J. Arthur Haight, Peekskill.
Kate L. Holden, Peru.
Mary Mullins, Phoenix.
Norman M. Misner, Woodbourne.

OKLAHOMA

Ira Thatcher, Vian.

SOUTH CAROLINA

Cecil S. Rice, Denmark.
Bessie T. Cooper, Mayesville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 18, 1928

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art our ever-blessed Heavenly Father, the manliest act that we can do is the uplook of our lives to the eternal, the drinking of our souls of the fountain of life, the kneeling of ourselves in humility in which we can be exalted in the sight of God! O it is the rapture of a golden day without a dark outline! O great lamp of life, radiate from the heights of Thy holy hill; O light that falls from the upper world, shine on our country; O voice of God, speak to the people, for only Thou art holy! Not for our salvation, not for our personal exaltation. These are not the motives why we desire to be pure, faithful, strong upright men. It is that we may have a place in the great army of God and go forward, having something to do with the work that is destined to preserve our country and bless all humanity. Hear us, blessed Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1970. An act for the relief of Dennis W. Scott;

H. R. 2294. An act for the relief of George H. Gilbert;

H. R. 6431. An act for the relief of Lewis H. Easterly;

H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;

H. R. 7518. An act for the relief of the Farmers National Bank, of Danville, Ky.;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes;

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia;

H. R. 11203. An act granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville ferry in Telfair and Coffee Counties, Ga.;

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 10038. An act for the relief of Wilford W. Caldwell;

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California;

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; and

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.

The message also announced that the Senate had passed with amendments a bill of the House of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10437. An act granting double pension in all cases where an officer or enlisted man of the Navy dies or is disabled in line of duty as a result of a submarine accident.

The message further announced that the Senate had passed bills of the following titles in which concurrence of the House was requested:

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison;

S. 605. An act for the relief of Capt. Clarence Barnard;

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard*;

S. 1646. An act for the relief of James M. E. Brown;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2438. An act for the relief of the firm of M. Levin & Sons;

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926;

S. 2473. An act for the relief of Will J. Allen;

S. 3030. An act for the relief of Southern Shipyard Corporation;

S. 3057. An act authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water-pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes;

S. 3269. An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired;

S. 3314. An act for the relief of John J. Fitzgerald;

S. 3366. An act to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States;

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes;

S. 3593. An act to authorize the leasing or sale of lands reserved for agency schools, and other purposes on the Fort Peck Indian Reservation, Mont.;

S. 3640. An act authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry;

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; and

S. 3824. An act to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes."

The message further announced that the Senate had agreed to the amendments of the House to a bill and joint resolution of the following titles:

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

BOARD OF VISITORS TO THE NAVAL ACADEMY

Mr. GARRETT of Tennessee. Mr. Speaker, I am advised by telephone that the gentleman from Arkansas [Mr. OLDFIELD] will be unable to serve on the Board of Visitors to the Naval Academy, and I am authorized to present his resignation to the Speaker.

The SPEAKER. The Chair appoints the gentleman from Texas, Mr. SUMNERS, to fill the vacancy.

VOCATIONAL EDUCATION

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of vocational education.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, much has been said on this floor with reference to farm relief. I do not wish to minimize the value of debate in focusing public attention on so important a subject. There comes a time, however, when legislative action is more important than discussion. This is particularly true when the proposed action is along lines that have proven successful in affording some measure of relief. The problems of agriculture are so many, so varied, and so complex that no thoughtful person would expect to find a legislative panacea for all the ills with which our basic national industry is afflicted. That the situation is serious and one of great importance is testified to not alone by farmers, but by distinguished business men who view the subject as one of grave national concern. A few excerpts from the findings of a commission composed of distinguished business men will indicate quite clearly the necessity for immediate action on H. R. 12241:

Everywhere modern development has put agriculture under pressure; and everywhere the struggle is on to preserve the integrity of the farmer.

Any serious and careful consideration of the solution and trend of American agriculture makes it clear that in relation to it the United States is confronted with a question of fundamental national concern and of permanent importance to the American people.

Agriculture is not merely a way of making money by raising crops; it is not merely an industry or a business; it is essentially a public function or service performed by private individuals for the care and use of the land in the national interest, and farmers in the course of their pursuit of a living and a private profit are the custodians of the basis of the national life.

The disparity between urban and farm incomes has emphasized the disparity in standards of living in the rural and urban populations and caused a large net migration to the cities.

With declining farm income, the burden of State and local taxes resting upon farm property, the assessment of which was also but slowly readjusted, tended to rise sharply.

Furthermore, a relatively sudden increase in transportation costs, following the restoration of the railroads to private management, occurred at the time when the general price level, and with it the prices of agricultural commodities, were falling sharply.

Agriculture embraces about a quarter of the American people and in the past it has connoted a type of citizen, an attitude of mind, and a way of life all of which have been of the highest importance to the social and political welfare of the Nation.

Extension of the county agent system is desirable in order to bring home the results of scientific research to the individual farmer. * * * Finally, special attention should be given to the functions of the rural schools in the education of the young people in rural districts with a view not only to improving their efficiency as future farmers but also to cultivating in them a more fundamental appreciation of the values of farming as a way of life and as a profession.

The farm population, as is well known, has been increasing much less rapidly than the urban population for a long period of time, so that while in 1820 it formed about 90 per cent of the total, in 1920 it was 29.9 per cent of the whole population.

The mortgage indebtedness of farmers has shown a considerable increase since 1920 in spite of strenuous efforts to curtail agricultural loans. It is estimated that the total mortgage debt of the agricultural industry rose from \$7,860,000,000 in 1920 to \$8,500,000,000 in 1925.

[NOTE.—W. M. Jardine, Secretary of Agriculture, recently estimated the mortgage debt for 1926 at \$9,500,000,000.]

Another indication of the difficulties under which agriculture has been laboring in recent years is to be seen in the high rates of failure of farm enterprises. These failures are reflected in foreclosure of mortgage, bankruptcy, default of contract, or other transfers to avoid foreclosure, and forced sales for delinquent taxes. Studies made by the United States Department of Agriculture showed that in 1924 and 1925 forced transfers of farms for these reasons constituted slightly over one-third of all transfers of farm property.

More significant is the fact that in the year ended March 15, 1926, out of each 1,000 farms in the United States 21.39 changed ownership as a result of forced sales and similar defaults.

In 1925 there were 80,390 fewer farms operated by owners and 107,932 more farms operated by tenants than in 1910.

It is estimated that in 1922, 27 per cent of the tenant farms of this country changed occupants, and the figure has probably declined only little since then. Men who remain so short a time on a farm obviously can not be expected to employ agricultural methods which conserve the soil fertility or to identify themselves with the cooperation, educational, or social activities of the rural community.

When the prices of farm products fell, taxes did not follow.

Direct farm taxes in 1913 amounted to \$315,000,000; in 1922 they were \$861,000,000, an increase of 173.3 per cent.

All taxes, direct and indirect, paid by the farmer in 1913 amounted to \$624,000,000; in 1922 to \$1,436,000,000, an increase of 130.1 per cent.

Considered on a per acre basis, the increase between 1914 and 1922 was from 31 cents per acre in the former year to 71 cents per acre in the latter; that is, 125 per cent.

The general property taxes levied by State and local governments took \$308,000,000 from the farmers in 1913, but \$787,000,000 in 1922, an increase of 155.5 per cent.

Taxes collected from the farms in 1920-21 amounted to about 13 per cent of the farmers' net income and to nearly six times the total net farm profits.

[NOTE.—In 1921-22 taxes absorbed 77.7 per cent of the total agricultural net profits.]

Our agriculture embraces a quarter of the American people and in the past it has connoted a type of citizen, an attitude of mind, and a way of life. It is of the highest importance to the Nation to know how changes in agriculture that may make for greater prosperity may also alter all these in the future. A certain degree of prosperity is essential to a full life, but that full life, and not prosperity alone, is the end at which one should aim.

The process of attrition of agriculture which is now going on in this country is a matter of about which we may feel deep concern and which calls for the earnest application of constructive statesmanship.

The preservation and improvement from agriculture presents to the American people a national problem which commands their earnest thought and public-spirited action.

[From the Condition of Agriculture in the United States and Measures for its Improvement]

EDUCATION OF THE FARM YOUTH

It is certain that the task of transmitting to the rank and file of the farmers the results of agricultural research work must largely be attacked through improvements in education of the rural youth. * * * The rural schools can be of great help in transmitting better methods to our future farmers. In the opinion of the commission this phase of rural education has not yet received the necessary attention. At present the rural schools consider it their main task to dispense a type of education which seems ill-suited to the probable needs of the pupils. Little consideration is given to the fundamentals of agriculture and the curriculum seems to be shaped almost completely to meet the requirements necessary for entrance into high school or college. It is not suggested that the rural school become a training ground solely for the vocation of agriculture, but the fact remains that most of the children who stay in the locality will pursue that calling, and it therefore seems that a curriculum which does not completely ignore this fact might be more beneficial than that now normally pursued.

The prosperity of the American farmer depends upon his efficiency relative to foreign competitors. To attain and preserve an American standard of living he must constantly keep several steps in advance of those competitors. This can be adequately done only through education. A well-conceived program of education, moreover, will not only help to provide the means of living well, but will in itself contribute to better living and working conditions. Its benefits will not be rapidly attained nor spectacular, but they will work out their results in a thousand devious but effective ways, and education will thus be one of the most important means for improving conditions on our farms and giving American agriculture the standing which it must have if the Nation is to maintain its proper place in the progress of mankind.

Above all, the commission wishes to emphasize the importance of giving to our rural education in large degree a character and a quality which will help to conserve and improve rural life. If we are to preserve some of the fundamental characteristics of farming as a way of life and a noble calling, our farm youth must be brought to a clearer realization of its intangible values and its advantages in contrast to urban activities, and the farmer himself must in larger

measure be brought to conceive of his occupation not as a temporary makeshift in which he may well be content to accept lower returns for his labor than his city fellow in the hope of speculative returns on his land values, but as an opportunity for a rich, well-rounded life in which his intelligence and culture and all the resources of community life may find full scope for development.

The foregoing excerpts are from a report of the business men's commission on agriculture. It was published jointly by the National Industrial Conference Board of New York and the Chamber of Commerce of the United States of America.

Mr. Speaker, long prior to the war there had been a widespread popular demand that our public-school education should be democratized and take account of the practical needs of the youth of the country. The Commission on National Aid to Vocational Education was created by act of Congress approved January 20, 1914, authorizing the President of the United States to appoint a commission of nine members—

to consider the subject of national aid for vocational education and report their findings and recommendations not later than June 1, next.

Pursuant to this act, President Taft appointed the commission, which organized April 2, 1914, and hearings were begun April 20, 1914, and concluded May 8, 1914. The Smith-Hughes Act, as recommended by the commission, was enacted in 1917.

The purpose of House bill 12241 is to broaden the scope of the work under the Smith-Hughes Act in order to reach the farm boys and girls in larger numbers. The bill in no way changes the policy of the basic act except that the money will be allocated on the basis of farm population instead of rural population. The need is shown by the facts developed at the hearings. The testimony indicates that there were somewhere near 1,000,000 farm boys in public schools between the ages of 14 and 21 in the United States in 1927. In 1923, 6.9 per cent of the farm boys received vocational agricultural work; in 1924, 8.2 per cent; in 1925, 8.5 per cent; in 1926, 9.9 per cent; and in 1927, only 10.6 per cent.

The hearings on H. R. 12241 disclose that after the vocational work had been in operation about five years a survey was made to ascertain what became of the boys who had taken the vocational work. The Federal board made a study of 8,000 boys who had taken vocational agricultural training. The board found that of the 8,000 boys that had taken one or more years of vocational agricultural instruction in schools, 59 per cent of them were actually farming, 6 per cent of them were engaged in related occupations, 9 per cent in agricultural colleges, 15 per cent went to other colleges, and 11 per cent were in nonagricultural occupations. That was the result five years ago. Another survey has just been made by the Federal board covering the five-year period ending in 1927. This record also shows 59 per cent of the boys actually engaged in farming, 9 per cent in related occupations, and 2 per cent going to agricultural colleges.

The hearings disclose that the Smith-Hughes law of 1917 has been successful, especially in stimulating a real interest on the part of farm boys in agriculture. This bill H. R. 12241 has for its sole purpose the extension of the benefits now enjoyed by hundreds of communities in the United States out into the rural communities not now enjoying those privileges. This is essentially a bill to benefit the rural districts. It is a practical method tested and proven successful in keeping the farm boy and girl on the farm.

In this connection let me state that the record shows that there are 11,561 rural high schools in the United States. It is in these rural high schools that vocational agriculture is taught at the present time, but only 29 per cent have been reached as yet.

It is the other 71 per cent of the 11,561 rural high schools which this bill seeks to reach and benefit. Let us see if it really is in conflict with the financial policy of our Government.

The record is clear and undisputed that the financial expenditure thus far made for vocational agricultural instruction has brought a financial return to the country far in excess of the investment. Those who oppose the measure for economic reasons should examine the results in dollars and cents. Let me quote Doctor Lane:

Every boy who elects to take the vocational work as a part of his high-school education is required to carry on for at least six months at home some definite practical work under the supervision of his teacher. Now, that means an economic return on the part of the boys in the production of livestock or crops or some other work around the farm. The total labor income from this practical work during the past five years was \$23,637,924.25. That is not an estimate. It is based upon accurate cost accounting. * * * For every dollar of Federal funds spent for vocational agriculture there was a financial return of \$2.25 realized by the boys from their labor. * * * The total Federal

funds spent for salaries of teachers of vocational agriculture during the five-year period was \$10,418,460 and there was realized \$23,637,924.25 from the other practical work the boys did.

The Committee on Education, of which I have the honor to be chairman, has reported the bill and it is on the calendar. A resolution asking for a rule has been introduced and referred to the Rules Committee.

CERTIFICATES OF CONVENIENCE AND NECESSITY REQUIRED OF RAILROADS

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, I dislike very much to interpose an objection, but we have a very important matter before the House now, and one or two other gentlemen this morning have indicated a desire to make a similar request. Under the circumstances, I wish the gentleman from North Carolina would withdraw his request at this time.

Mr. ABERNETHY. Will the gentleman let me proceed for 10 minutes this afternoon? It is a matter that I wish very much to discuss.

Mr. SNELL. We have before us a very important matter, and I do not think we ought to postpone it for anything else.

Mr. ABERNETHY. Will the gentleman allow me to proceed for five minutes?

Mr. SNELL. I do not think it would be fair to others to agree to that, and I must object.

Mr. ABERNETHY. I am not going to take up any time on general debate on this bill, and if the gentleman would just allow me now to express what I wish in the RECORD I shall be very glad. The bill I have introduced is a very important matter.

Mr. SNELL. The gentleman from New York [Mr. LaGuardia] also desires time this morning.

Mr. LaGuardia. I want to talk on the bill that is pending.

Mr. SNELL. I shall not object to the gentleman from North Carolina occupying one minute.

Mr. ABERNETHY. Then, Mr. Speaker, I ask unanimous consent to extend my remarks on the bill that I have introduced, affecting the certificates of convenience and necessity that are required now by the Interstate Commerce Commission of all railroads which desire to extend new lines or build railroads. I have introduced a bill which affects two sovereign States. I wish to extend my remarks in the RECORD on the matter as pending.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ABERNETHY. Mr. Speaker, one of the most far-reaching decisions of the Interstate Commerce Commission was rendered on April 3, 1928, when that body denied the Piedmont & Northern Railway Co. the right to construct extensions of its lines from Spartanburg, S. C., to Gastonia, N. C., and from Charlotte, N. C., to Winston-Salem, N. C.

Such power as has been exercised by six men who rendered the decision could not have been contemplated by the most ardent supporters of the interstate commerce act. No one could have dreamed that men chosen by the President of the United States and confirmed by the Senate to carry out the mandate of Congress would ever have exercised such power as is evidenced by the decision in this case.

The Piedmont & Northern Railway was incorporated in South Carolina by a special act of the legislature adopted February 24, 1911, and amended January 27, 1927. The charter granted to this company—

all the rights, privileges, and franchise given unto railway corporations under and by virtue of the general statutes of this State, and all amendatory and supplemental acts.

The company was authorized to—

construct, maintain, and operate a line or lines of railway, with one or more tracks, to be operated by electricity or other motive power—in and through certain counties in South Carolina and such other counties in the State as may be selected by the corporation with the right—

to purchase, lease, or otherwise acquire the railway and other property, including the rights and franchise, of any other railroad company, or street railway company, now in existence or hereafter created, in this State, or in any other State of the United States, etc.

There were three of the commission who dissented to the majority opinion. They were Commissioners McManamy, Esch, and Brainerd.

Commissioner Brainerd, in his dissenting opinion, said:

The record shows that the applicant is an electric railway other than street or suburban; that it is engaged in the general transportation of freight; and that it is not operated as a part of a general steam railroad system of transportation. Although it is true that this carrier thus engaged and operated is subject to our jurisdiction under section 15 (a) of the act, because "engaged in the general transportation of freight," it is, nevertheless, an interurban electric railway, and not being operated as a part of a general steam railroad system of transportation, it is in express terms excluded from the commission's jurisdiction to issue or refuse a certificate of public convenience and necessity. Interurban electric railways are brought under the provisions of the act concerning the issuance of certificates of public convenience and necessity only when they are operated as a part of a general steam railroad system of transportation. Paragraph (22) of section 1 reads as follows:

"(22) The authority of the commission conferred by paragraphs (18) to (21), both inclusive, shall not extend to the construction or abandonment of spur, industrial team, switching, or side tracks, located or to be located, wholly within one State, or of street, suburban, or interurban electric railways, which are not operated as a part or parts of a general steam railroad system of transportation."

The act does not distinguish between a "commercial railroad operated by electricity" and an interurban electric railroad not operated as a part of a general steam railroad system of transportation, and we can make no such distinction.

Commissioner McManamy held as follows, and Commissioner Esch, one of the authors of the Esch-Cummins Act, transportation act, joined in the dissent:

The ability of the applicant to finance the work has not been questioned, nor has objection been raised to the proposed financial structure. Public interest and the need for the service has been shown by the testimony of the Governor and members of the Railroad Commission of South Carolina, the Governor and members of the Corporation Commission of North Carolina, the county and municipal officers of every county and municipality that will be reached by the proposed line, and by some not reached by the proposed line who desire changes in its location or extensions in order that they also may be served by it. Civic and commercial organizations, manufacturers, merchants, and farmers along the proposed route with exceptional unanimity appeared and testified as to the need for and the benefits which would flow from the additional service. Surely no more convincing showing of public interest could be made.

Against this, as stated in the report of the majority, "no opposition is voiced except by the carriers now serving the territory." These carriers admit that the new line would get at least as much traffic and revenue as it has estimated, and it is not shown that the ability of the carriers now serving the territory to render service would be thereby impaired. It is admitted that "there would no doubt be some benefit to the region immediately served, notwithstanding some impairment that would be likely to result, temporarily at least, in the service of existing lines." The existing lines are not weak railroads. They are among the most prosperous of the country. Their earnings are ample. They are approaching, if not already in, the recapture class. Under such conditions benefit to the region immediately served should not be denied because of the probability that some temporary impairment might result to existing lines when, as a matter of fact, the showing is that diversion of all the traffic which protestants claim would be diverted would not seriously affect their revenue.

It is true that the proposed line will parallel existing steam lines at distances varying from 0 to 13 miles, but this is also true of practically every other electric line. It is also true that it will not immediately be self-supporting from new business which it will create, although the showing is that a substantial portion of its revenues will come from such sources. The record shows that the proposed line will, because of more frequent service and stops, render a service more nearly approaching that of motor trucks, which is admittedly desirable in an industrial district such as this. On the showing here made, the certificate should be granted.

Commissioner Aitchison did not participate, being necessarily absent, so the record says.

Commissioner Woodlock, the record states, was necessarily absent, but had he been present he would have concurred in the result.

The other six members rendered the decision denying the application.

It was shown that the Interstate Commerce Commission had never treated the Piedmont & Northern Railway as subject to the valuation act; that it is governed by the accounting rules of the commission as laid down for electric railways; that on October 12, 1920, the Interstate Commerce Commission made an informal ruling that the Piedmont & Northern Railway was not subject to the provisions of the transportation act relating to the issue of securities, and the Railroad Labor Board ruled that the Piedmont & Northern Railway's line was an electric

interurban railroad not operated as a part of a steam railroad system.

In the application of this company before the Interstate Commerce Commission it was contended that the commission had no jurisdiction in that it was an interurban electric railway and not being operated as a part of a general steam railroad system of transportation (and this is what Commissioner Brainerd holds).

Paragraph (22) of section 1 of the interstate commerce act says:

(22) The authority of the commission conferred by paragraphs (18) to (21), both inclusive, shall not extend to the construction or abandonment of spur, industrial, team, switching, or side tracks located or to be located wholly within one State, or of street, suburban, or interurban electric railways which are not operated as a part or parts of a general steam railroad system of transportation.

Those joining in the application for a certificate of convenience and necessity with the railway were:

The Governor of the State of North Carolina, as representing the State; the attorney general of the State of North Carolina; the corporation commission of the State of North Carolina, by its entire membership (this is the utility commission of the State), and the attorney for the commission; the county of Mecklenburg, N. C.; the city of Charlotte, N. C.; the Charlotte Shippers and Manufacturers Association (Inc.); Charlotte Chamber of Commerce; Charlotte Merchants' Association; Charlotte Automotive Merchants' Association; Winston-Salem Chamber of Commerce; county of Davidson, N. C.; city of Lexington, N. C.; Lexington Chamber of Commerce; Lexington Retail Merchants' Association; county of Rowan, N. C.; city of Salisbury, N. C.; Salisbury Chamber of Commerce; Salisbury-Spencer Merchants' Association; Carolina Shippers' Association, a large organization composed of shippers comprising a large portion of North Carolina; county of Gaston, N. C.; city of Gastonia, N. C.; Gastonia Chamber of Commerce; town of McAdenville, N. C.; town of Lowell, N. C.; town of Belmont, N. C.; town of Kings Mountain, N. C.; Kings Mountain Chamber of Commerce; North Carolina Cotton Manufacturers' Association; Governor of South Carolina, representing State of South Carolina; South Carolina Cotton Manufacturers' Association; Railroad Commission of South Carolina; county and city chamber of commerce of Anderson, S. C.; cities of Belton and Honea Path, S. C.; city and Chamber of Commerce of Blackburg, S. C.; county of Cherokee, S. C.; county and city chamber of commerce of Gafney, S. C.; county and city chamber of commerce of Greenville, S. C.; county and city chamber of commerce of Greenwood, S. C.; Spartanburg Transportation Association and the county, city, and Chamber of Commerce of Spartanburg, S. C.; the Georgia & Florida Railroad. In brief, those who asked for this permission for the extension of the Piedmont & Northern Railway Co. were not only the railway company itself, but the sovereign State of North Carolina, and practically all of the public interests representing the shippers, manufacturers, and other business interests of the State, and the sovereign State of South Carolina, and practically all of the public interests representing the shippers, manufacturers, and other business interests of that State, and the Georgia & Florida Railroad, which affected the States of Georgia and Florida very materially.

These were the interests that asked for the permission to construct this road wholly within the States of North Carolina and South Carolina and the only interests that opposed the extension and permission for a certificate of convenience and necessity, quoting from the opinion of the commission itself:

No opposition is voiced except by the carriers now serving the territory.

To put this matter in plain and simple language, we find a commission here in Washington which by vote of half of its membership denied to two sovereign States the right to have constructed strictly within the borders of their States an extension of an electric railway. What have we come to in this day of government by bureaus and commissions? Is there no relief for the people? There is relief, but we can not and may not expect to get this relief from the powerful Interstate Commerce Commission. Congress can grant this relief. Under the procedure in the House and under the rules which are now in force and in existence, if we undertake to get that relief by an act amending the interstate commerce law, this bill will have to run the gantlet of the powerful Committee on Interstate and Foreign Commerce, the powerful Rules Committee, the majority steering committee, the majority leader of the House, and the Speaker of the House.

A bill amending the interstate commerce law, taking away from the Interstate Commerce Commission the power which has been exercised in such cases as the Piedmont & Northern

Railway matter, was introduced in December last by Senator SIMMONS and is now pending in the Senate. I have introduced a similar measure in the House, and it has been referred to the Committee on Interstate and Foreign Commerce for their consideration.

I have taken this opportunity to bring this matter to the attention of the House and the country, to the end that some relief may be given the public from the arbitrary exercise of the power which the Interstate Commerce Commission has taken unto itself under the interstate commerce law.

The President of the United States in an address before the National Society of the Daughters of the American Revolution here this week called attention to the growing evil of government by bureaus and commissions. I trust that we may have the powerful influence of the President to so amend this interstate commerce law that another instance of arbitrary power may not be exercised by this commission as was done in the Piedmont & Northern Railway case. It may be of interest to the House to know that the counsel who presented this matter to the Interstate Commerce Commission on behalf of the Piedmont & Northern Railway were Hon. Mark W. Potter, of New York City, former member of the commission; W. S. O'B. Robinson, Jr., of Charlotte; former Governor Cameron Morrison, of the State of North Carolina; that very distinguished citizen, Charles E. Hughes, former Secretary of State and former Associate Justice of the Supreme Court of the United States; Hon. W. G. McAdoo, former Secretary of the Treasury; and the attorneys general of the States of North Carolina and South Carolina, and a number of other able and distinguished attorneys representing the various interests that were joined in this application for a certificate of convenience and necessity.

Against this great array of distinguished citizens representing, as they did, all shades of political faith and all shades of business interests, the opposition was represented by the carriers themselves and no one else. This is carrying to the extreme the question of government by commissions. I do not know whether my action in this matter will have any effect or not, but I can only voice my strong opposition to such a situation. I hope that by instituting this opposition we may eventually get some relief for the people through congressional action.

Mr. LA GUARDIA. Mr. Speaker, I ask unanimous consent that in addition to the time allotted for general debate in the discussion of the flood control bill I may have 15 minutes. If I can get time from both sides I can not take it from either side with a moral obligation that I shall support the bill or amendments that may be offered. Coming as I do from a State that is to pay a large portion of the cost, and being sympathetic with the proposition, it seems to me that the request to get 15 minutes on the bill is rather modest.

The SPEAKER. The gentleman from New York asks unanimous consent that the time allotted for general debate be extended 15 minutes, to be occupied by himself. Is there objection?

Mr. SNELL. Reserving the right to object, that is establishing a new precedent. I do not desire to object, but with five hours of debate it seems ample time would be afforded so that the gentleman would have opportunity to express himself. I hope the gentleman from New York will withdraw his request.

Mr. EDWARDS. Mr. Speaker, I hope the gentleman will withhold his objection for a few minutes. The request of the gentleman from New York [Mr. LA GUARDIA] is worthy of consideration. The gentleman from New York is one of the leaders on the Republican side.

Mr. SNELL. That simply shows that we are absolutely fair here. [Applause.]

PENSIONS

Mr. W. T. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill [S. 2900] granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with House amendments thereto, and insist on the amendments of the House and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill S. 2900, with House amendments, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection?

There was no objection; and the Speaker appointed as the conferees on the part of the House Mr. W. T. FITZGERALD, Mr. ELLIOTT, and Mr. UNDERWOOD.

MEDALS IN THE NAVY AND MARINE CORPS

Mr. BRITTEN. Mr. Speaker, at the request of the Committee on Naval Affairs, I desire to make a unanimous-consent request to take from the Speaker's table the bill H. R. 5898, with Sen-

ate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table House bill 5898, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, what about the minority? Has the gentleman consulted the minority?

Mr. BRITTEN. Yes; I have. I have just come from the Committee on Naval Affairs.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. BRITTEN, BURDICK, and VINSON of Georgia.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3740, for the control of floods on the Mississippi River and its tributaries, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3740, with Mr. LEHLBACH in the chair. The Clerk reported the title of the bill.

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. GREGORY]. [Applause.]

Mr. GREGORY. Mr. Chairman and gentlemen of the committee, those of you who just a year ago witnessed the mad rush of the mighty Father of Waters, sweeping like a destroying angel over hundreds of proud cities, thousands of happy and contented homes, and millions of acres of fertile fields, or who later visited the stricken area to view the scenes of the greatest peace-time disaster this country has ever experienced, know how futile would be the effort of the most gifted tongue or the most facile pen to describe the wreckage and the ruin, the horror and the agony which were left in the wake of the 1927 flood. Scenes such as those beggar description. While the wild ride of the Four Horsemen—death, pestilence, famine, and war between heroic men and the heartless elements—from Cairo to the sea can not be obliterated from the memory of the people of the alluvial valley of the Mississippi, like soldiers returned from the hell of the battle field, they do not care to speak of their hardships, and if they do speak of them they are prone to minimize them. While the columns of the press throughout the land were blackened with great headlines each day over a period of several weeks, describing the ruthless, onward march of the flood, and the hearts of millions living in remote sections melted in sympathy for the defenseless victims of the wrath of the waters, the lapse of time has, in a measure, healed the wounds of those tragic days. Nevertheless I am persuaded that the great heart of America is not asleep. It has not forgotten the obligation of the Nation to the stricken and suffering people of the Mississippi Valley.

Too long has the Congress marked time in the matter of enacting legislation to afford the people of the lower Mississippi Valley some assurance that there shall be no recurrence of the calamity of last year. The eyes of the Nation are upon this body this week as it enters upon the task of discharging the solemn and imperative duty of disarming the giant which has again and again waged war upon a brave and heroic people whose backs are now against the wall. Before the Congress takes final action upon measures of defense which it must surely set up, I deem it appropriate that those of us who, by reason of residence, have had an opportunity to obtain first-hand information relative to conditions in the Mississippi Valley, should briefly call the attention of the House to the menace which threatens the lives and property of a million loyal Americans. Mississippi, Louisiana, Arkansas, and other sovereign States, through their representatives in this body, have told the story of the injuries they have suffered and of their utter helplessness to prevent their repetition. To the panorama which they have spread before you I desire to contribute a few scenes from Kentucky.

I have the honor to stand here to-day as the Representative of the first congressional district of Kentucky. This district has within and on its borders four great rivers. Along the northern boundary of my district flows the Ohio, which enjoys the unique distinction of being the only river on the American continent which carries tonnage from its source to its mouth. Entering from the State of Tennessee, the Cumberland River and the Tennessee River flow across my district and empty into the Ohio River, while the western boundary of my district is formed by the Mississippi River. Having in my district more

great navigable rivers than can be found in any other congressional district in the Union, the people of my district are vitally concerned in the question of flood control.

In December, 1926, an unprecedented flood occurred in both the Cumberland and Tennessee Rivers. For several weeks the only line of communication between the eastern and western portions of my district was the Illinois Central Railroad bridge. Cities and villages were submerged, and thousands of acres of highly productive farming land were transformed into a mighty inland sea. Strange as it may seem to some of you, during and previous to the floods of these two rivers there was no rainfall in that section of Kentucky. All of these flood waters, which destroyed property amounting in value to a vast sum of money, came from other sections of the country, and sweeping on to the Ohio, and thence to the Mississippi, they became the heralds of a flood in the alluvial valley which later was to shock the Nation with the toll of life and property it claimed. While the bill under discussion offers no immediate relief to the people of the Cumberland and Tennessee River sections, it does provide for surveys and studies of these and other important streams in various sections of the country; and it is to be devoutly hoped that as a result of these surveys and studies future Congresses may be supplied with information upon which to base legislation which will enable the people living in the valleys of all of the great navigable streams throughout the country to successfully curb and combat the menace of floods.

It is my purpose to discuss briefly the effect in Kentucky of the 1927 flood in the Mississippi Valley. If there be any of you who may be relying upon the pending bill or upon the map filed with the report of the Chief of the Army engineers to guide you in determining the needs of Kentucky for relief from Mississippi River floods, I want in the outset to advise you that the bill makes no adequate provision for flood protection for the counties in my district bordering on the Mississippi. The objection to the bill, to which the gentleman from Tennessee [Mr. GARRETT] called your attention on yesterday, is well founded, and I shall be glad to join with him at the proper time in urging this body to so amend the bill as to provide the measure of relief to which his people and mine as well as others are so justly entitled.

I hold in my hand a map which accompanies the report of the Chief of Engineers, dated December 1, 1927. The map purports to show the areas in the alluvial valley of the Mississippi River which were subjected to floods before the levees were built and also the areas which were flooded by the Mississippi River in 1927.

The green shading on this map indicates areas subjected to floods prior to levee construction, while the brown shading purports to show sections overflowed in the 1927 flood. From an examination of this map one would conclude that all that portion of Kentucky bordering on the Ohio River from Paducah to Cairo and all of that portion abutting the Mississippi River from Cairo to the Tennessee line had suffered from floods in previous years, but that in the 1927 flood Kentucky was as dry as a powder horn. The utter unreliability and misleading character of this map must be apparent to anyone when he learns that there is no system of levees on the Kentucky side of the Mississippi River north of the city of Hickman, while on the Missouri side of the river levees have been constructed in recent years.

Mr. JOHNSON of Texas. By whom was the map furnished to which the gentleman refers?

Mr. GREGORY. This map was furnished by the Chief of Engineers of the Army. The narrowing of the channel of the natural flood way by the construction of levees on the Missouri side of the Mississippi forced the flood waters of the Mississippi River in 1927 over on the Kentucky side to a depth and extent of area never before approximated by any flood in history. While Kentucky was never menaced by floods from the Mississippi to any appreciable extent prior to the construction of the levees, the extension of the levee system, without a corresponding construction in Kentucky, has caused the floods to encroach more and more upon Kentucky lands.

Mr. QUIN. Will the gentleman yield?

Mr. GREGORY. I yield.

Mr. QUIN. The building of levees on the opposite side of the Mississippi River causes this damage in the counties in the State of Kentucky to which the gentleman refers?

Mr. GREGORY. It does.

Mr. QUIN. Just the same as in my district?

Mr. GREGORY. It does.

For a period of several days in April, 1927, flood waters passed over and by the little city of Columbus, Ky., at a rate in excess of 2,000,000 cubic feet per second. In order to realize what these figures mean, if water were forced upon the State of

Rhode Island at that rate for a period of 24 hours it would cover every inch of that State to a depth of 6 feet; the entire State of Massachusetts would be similarly submerged in 8 days; and the gentleman from Wisconsin [Mr. FREAR], who so earnestly contends that the South has not yet contributed enough money for flood control, would find his great State buried beneath a 6-foot blanket of water in 60 days. Yet with this vast volume of water flowing past Kentucky, which was greatly augmented as it flowed toward the Gulf, there are those who seem to think Kentucky experienced nothing more than a spring freshet. As a matter of fact, the four counties in my State which are along the Mississippi River suffered a property loss from the flood of 1927 in excess of \$3,000,000. I have here an itemized statement of losses sustained in each of these counties, which I can not take the time to read but which, Mr. Chairman, I ask unanimous consent to incorporate in my printed remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The statement referred to follows:

Loss and damage to property by reason of the 1927 floods in the Mississippi Valley

COUNTY OF BALLARD, STATE OF KENTUCKY	
25 houses destroyed	\$6,250
100 houses damaged	12,500
1 store destroyed	250
25 barns destroyed	6,250
100 barns damaged	12,500
100 other buildings destroyed	5,000
300 other buildings damaged	7,500
Damage to merchandise	7,250
Damage to farm implements	3,000
Damage to feed	15,000
Damage to seed	500
Damage to household goods	2,000
10 horses and mules lost	1,000
10 cattle lost	200
100 hogs lost	1,000
1,000 poultry lost	500
Cost of replanting	12,000
Loss of rents of lands not cultivated by reason of overflow	175,000
Damage to 5 miles of fence	500
Business losses	750,000
Damage to growing crops	5,000
Damage to private roads and bridges	500
Damage to matured crops	20,000
Total property damage	1,036,700

COUNTY OF CARLISLE, STATE OF KENTUCKY	
6 houses damaged	1,800
2 stores damaged	800
5 barns destroyed	1,250
10 barns damaged	1,000
10 other buildings destroyed	500
20 other buildings damaged	1,000
Damage to merchandise	750
Damage to farm implements	2,500
Damage to feed	150,000
Damage to seed	500
Damage to household goods	2,500
12 horses and mules lost	1,200
20 cattle lost	400
200 hogs lost	2,000
600 poultry lost	300
Cost of replanting	10,000
Loss of rents on lands not cultivated by reason of overflow	20,000
Damage to 7 miles of fence	750
Business losses	500,000
Damage to private roads and bridges	500
Total property damage	697,750

COUNTY OF FULTON, STATE OF KENTUCKY	
10 houses destroyed	4,000
46 houses damaged	9,200
25 stores damaged	7,500
2 gins damaged	10,000
15 barns destroyed	4,500
50 barns damaged	5,000
25 other buildings destroyed	2,500
25 other buildings damaged	1,250
Damage to merchandise	10,000
Damage to farm implements	5,000
Damage to automobiles	2,000
Damage to feed	6,500
Damage to seed	2,000
Damage to household goods	3,000
12 horses and mules lost	1,200
6 cattle lost	120
150 hogs lost	1,500
600 poultry lost	300
Cost of replanting	5,000
Loss of rents on lands not cultivated by reason of overflow	64,000
Damage to 10 miles of fence	10,000
Business losses	500,000
Damage to growing cotton crop	200,000
Damage to other growing crops	390,000
Damage to private roads and bridges	2,500
Total property damage	1,247,070

COUNTY OF HICKMAN, STATE OF KENTUCKY

8 houses destroyed	\$4,800
200 houses damaged	30,000
10 stores damaged	5,000
20 barns destroyed	4,000
150 barns damaged	10,000
200 other buildings destroyed	4,000
100 other buildings damaged	2,500
Damage to merchandise	3,600
Damage to farm implements	5,000
Damage to automobiles	2,000
Damage to feed	7,500
Damage to seed	2,000
Damage to household goods	6,000
18 horses and mules lost	1,800
163 hogs lost	1,630
500 poultry lost	500
Cost of replanting	12,000
Damage to land by washing and spreading of obnoxious grasses	25,000
Loss of rents on lands not cultivated by reason of overflow	15,000
Damage to 10 miles of fence	6,400
Business losses	100,000
Damage to growing cotton crop	10,000
Damage to other growing crops	15,000
Damage to private roads and bridges	1,000
Damage to private ditches and drains	500
Damage to matured crops	25,000
Total property damage	300,230

Mr. GREGORY. The situation in the counties in western Kentucky bordering on the Mississippi River presents a striking illustration of the injustice and futility of attempting flood control in the Mississippi Valley other than by Government control and at Government expense. The only levee district in Kentucky is the Fulton County levee district. This district maintains about 18 miles of levee in an effort to protect approximately 25,000 acres of land. It extends from the city of Hickman, Ky., to the Tennessee boundary line, where it is joined by the Reelfoot levee. The latter levee is some 4 miles in length and protects approximately 55,000 acres of land. The levees in Kentucky and Tennessee are joint in fact though not in law, and the Tennessee levee would be absolutely worthless if the levee in Kentucky were not maintained. The Fulton County levee board in Kentucky has no funds available for further work, and the taxing power has been exhausted. The assessed value of the land in this levee district is \$1,000,000. The mortgage debt against this land amounts to \$750,000, while there are outstanding bonds against the land amounting to \$104,000. From these figures it must be apparent that no prudent investor would care to buy additional bonds from this district. Since the Reelfoot levee district in Tennessee is wholly dependent for protection upon the maintenance of the levee in Kentucky, no reasonable assurance of safety from floods can be given to the landowners of Tennessee, even though they should be financially able and willing to keep their 4 miles of levee up to the highest standard of efficiency known to engineering skill. However, the financial condition of the Reelfoot levee board is but little, if any, better than that of the Fulton County levee board in Kentucky. On the other hand, it is manifestly unfair to tax landowners in Kentucky to construct and maintain 18 miles of levee for the protection of only 25,000 acres of their own land, while the same levee is absolutely essential for the protection of more than 50,000 acres of land belonging to their neighbors in Tennessee who are required to maintain but 4 miles of levee which offer but little protection to the people in Kentucky, and which would afford no protection whatever to Kentucky land if there were no levee in Kentucky.

The testimony before the Flood Control Committee shows that the people in the Fulton County, Ky., levee district have already expended the princely sum of \$300,000 for levee construction and maintenance; yet after being bled white by these contributions the splendid little city of Hickman, their county seat, is left without any protection. Before any levees were built, the city of Hickman was safe and secure and suffered no inconvenience from floods, but the building of levees on the Missouri side of the Mississippi has constantly raised the flood plane in Hickman. This flood plane reached its maximum height in Hickman in 1927, the principal business section of the city being under 6 feet of water. With the Dorena crevasse the flood plane at Hickman was reduced 2 feet in 24 hours. The fact must not be overlooked that when the gauge reading was at a certain point at Cairo in former years before the construction of levees in Missouri, the city of Hickman had no flood problem, but after the construction of the Missouri levees, when the gauge reached the same point at Cairo as in former years, the city of Hickman was submerged. Since no material contribution is made to the flood waters of the Mississippi by local rainfall between Cairo and Hickman, the inevitable conclusion is that the misfortune Hickman has suffered in recent years is directly traceable to levees constructed elsewhere under

Government direction and supervision and largely at Government expense.

As I have already shown, Ballard County, Ky., which is just across the river from Cairo suffered greatly, thousands of acres of valuable farming land being overflowed, and a considerable portion of her county seat, Wickliffe, being inundated. The historic town of Columbus, Ky., was swept away, its principal business street now being in the main channel of the river. Facing a recurrence of the terrible disaster of 1927, the people of Columbus have been compelled to remove such of their homes and business houses as were left standing after the flood to the bluffs about one-half mile east of the old town site. Under the direction of the Red Cross and with assistance of that wonderful organization, a new Columbus is arising on the hills where it will be safe from the ravages of the mighty Father of Waters.

What happened at Hickman, Columbus, and Wickliffe happened to the rural section in Kentucky along the Mississippi from Hickman to Cairo, yet the Jadwin plan offers absolutely no protection to these people, save and except the lowering of levees on the river front on the Missouri side, which lowering will be made of questionable value due to the proposed construction of setback levees in Missouri.

I can not understand the attitude of those who insist that the valley States should make further contributions for flood protection.

I can not understand why gentlemen should insist that the people of my district should bear any portion of the expense incident to any protection which may be accorded to them in the future. The suffering they have endured and the great economic loss they have sustained are not the result of their folly in selecting an unsafe place in which to live. Their suffering and their loss did not come from the invasion of a foe marching under an alien flag, nor can this dire calamity be made chargeable to an act of God. It was and is chargeable to the bottling up of the Mississippi River by a series of levees built without their consent, but whose location and construction were determined upon and partially paid for by this great Government. I do not complain, nor do my people complain, because of the building of levees. They have served and will continue to serve a most useful purpose, but no levee should be built to the injury of any people unless just compensation be made therefor. We are not asking the Government to reclaim a foot of land in Kentucky. We want nothing more than simple justice, and justice will not have been done to my people until the injury which has been done to them shall have been remedied. We are not asking for reimbursement for damages sustained in the past. We want and are entitled to security for the future. Anything less than that would, in equity at least, be a taking of private property for public use without just compensation, which is contrary to the spirit of our Constitution and repugnant to the principles upon which this Government was founded.

Although flood control in the Mississippi Valley is absolutely essential for the national defense, for the promotion of commerce, for the transmission of the mails, and for other purposes vitally affecting the welfare of the country at large, it is urged by some that the valley States should not only furnish all right of ways for flood-control works of every character but should also contribute to the cost of construction of these flood-control works. For instance, our neighbors over in Missouri should abandon thousands of acres of valuable farming lands to the mercy of the angry waters that come from Canada and the north and also pay for the privilege of making this sacrifice. If the squeamish and meticulous policy of requiring local contributions to be made for all Federal improvements which may be of incidental benefit to the communities in which they are located is adopted, not a snag could be removed from a river, not a bank could be revetted, not a channel could be dredged, not a lock or dam in aid of river transportation could be constructed without local contributions, because all of these things have a beneficial local influence. Further than that, no public building could be erected in any city without local contributions, because such construction might enhance the value of adjacent property. No harbor on our seaboard could be improved, because harbors are beneficial to the cities where located.

I repeat it: Kentuckians are not here as mendicants; they seek no subsidy; they ask for no reparation. They are a proud and self-reliant people. Since the days when hardy pioneers crossed the Allegheny Mountains and carved from the "Dark and Bloody Ground" a Commonwealth which has given birth to a race of heroes and statesmen the mention of whose names causes a thrill of pride to pulsate in every American heart, Kentuckians have been able to care for themselves and have

been glad to extend a helping hand to others. Need I remind you that it was a Kentuckian, George Rogers Clark, who, with his band of faithful followers, stamped the genius of American civilization and American ownership upon the great Northwest Territory? Need I remind you that it was the sons of Kentucky who, looking across the Father of Waters, first caught the vision of a great American empire, rich beyond the dreams of avarice in products of field and forest, mine and stream, and whose western limits, gorgeously arrayed in fruits and flowers, fringe the sunset sea? Need I remind you that in the dark days of the sixties, when the sons of the North and the sons of the South, divided as they were by their lots in life, divided by the hardening peculiarities of temperament, divided by the most sacred convictions of right and wrong, yet one in valor and in devotion to duty as God gave them the wisdom to see it, engaged in the greatest internecine war the world has ever known, it was Kentucky that gave to the South the intrepid, the peerless, the great-hearted leader of the Confederacy, Jefferson Davis, while to the North she gave the patient, the loving, the magnanimous Abraham Lincoln, whose immortal figure is destined to loom larger and larger in the perspective of the ages? Need I remind you that in every great crisis Kentuckians have always heard the clarion call of duty, and, neither counting the cost nor reckoning the peril, like the prophet of old, have said, "Here am I, send me!"

No, Mr. Chairman; we are not asking for alms. We plead for justice and justice only. When justice is granted to us and to our neighbors to the south of us this great Government will have subdued the raging waters of the Mississippi. Then a million loyal Americans who dwell in the alluvial valley will lift their hearts and again thank God that they live beneath the sheltering folds of the Stars and Stripes. Cities now desolate will again hear the music of whirling spindles in busy hives of industry. Farms now devastated will again be rich in the golden glow of their rice fields and opulent in the mimic snow of their broad acres of cotton. The corn tops will ripen once more, while the meadows will be in bloom. And then, oh then, the sun will shine bright in our old Kentucky home. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman and gentlemen, the gentleman from Kentucky [Mr. GREGORY] in his speech related facts to you touching the district which he represents in Kentucky that are practically identical with four of the counties on the Mississippi River in the district which I have the honor to represent. The gentleman from Tennessee [Mr. GARRETT] spoke to you yesterday when the rule was under consideration, and his district is likewise affected.

What is embarrassing to us is that this bill fails to provide for the protection of those people. In justice to everybody in the United States the Mississippi River must be controlled through levees and outlets, and it is my judgment that all of the people of the United States should pay for this, and that not one dime should be expected as further contributions from the people who have been suffering this burden during all of these years.

These people in the four counties in the State of Mississippi, these in the State of Tennessee, in five counties, and these in the State of Kentucky, in four counties, are burdened by water being placed on their lands because of the fact that levees have been constructed on the opposite side of the Mississippi River. Therefore when the amendment shall be offered that our friend [Mr. GARRETT] proposes, upon which we have practically agreed, I hope that in fairness to all of the people you gentlemen can see proper to let that amendment be put into this bill.

It occurs to me that with the wise provisions, and in many instances very generous provisions, which have been carried for all others, even tributary streams, the people in the districts I have mentioned should be given consideration. In the State of Mississippi they have taken in the Yazoo River, in the State of Arkansas the Red River, and in the State of Louisiana, and so on, several others. These tributary streams are to be protected, and yet these people, who built their homes and farms in safe places on the east bank of the Mississippi River in my district, have had them destroyed because of the fact that levees built on the west side of the river have been raised higher. That naturally makes this land on the east side of the river a reservoir or flood way in time of high water. That is to be continued under this flood control bill, yet there is not one line in this bill, according to my conception, which will compensate those people or pay them for their lands, although all of the new flood ways that are taken are to be paid for. They are to be compensated for under the terms of this bill. They go so

far as to pay for the removal of tracks and the raising of railroads which happen to be in the territory of which the flood commission will take charge.

Yet the bill which the committee has brought out fails to provide a dime for these properties on the east bank of the river in four counties in my district, some in Tennessee and some in Kentucky, while it lends its generosity to the great corporations. The bill provides for payments to railroads, yet under its terms the property of these poor people will be taken and destroyed and not a dime will be paid to them.

I presume that all of my colleagues in the House want to be fair and just in dealing with all the people; and, as I have said, I hope they can see their way clear to support the amendment which will be proposed by the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. FREAR. Mr. Chairman, I yield 30 minutes to my colleague the gentleman from Iowa [Mr. KOPP].

Mr. KOPP. Mr. Chairman, it is quite certain that no bill that might be passed on flood control would be entirely satisfactory to many Members of this House. It is a difficult subject upon which to reach an agreement, no matter how anxious or sincere Members may be in their desire to come to an agreement.

This bill is not entirely satisfactory to me. As I view it, there are some serious defects in it. As it stands I can not vote for it; but I am hopeful that this bill will be perfected by proper amendments that will make it possible for all of us to vote for this important legislation.

We are now in the latter part of the session; not many weeks remain. If it is at all possible, we should now reach a conclusion. The time has come to pass a proper flood control bill.

In the very beginning I want to say that there has been no difference of opinion as to the necessity for flood control; neither has there been any difference in the generous and sympathetic impulses that have pervaded the people in the different sections of the country. That was well demonstrated when the American Red Cross sent out its call for relief. In every State there was immediate response. In every State the amount asked for was oversubscribed. When the second call for aid came the result was the same. There was no East, no West, no North, no South. We were all Americans—were all anxious to relieve the suffering and distress of our fellow citizens. Better still, to the glory and honor of the American people it can be truly said that their benevolences and charities extend even beyond their own land and their own people. Their love for humanity is world-wide. Their sympathy embraces all mankind. No matter where disaster may occur, no matter where misfortune may overwhelm any part of the human family, there you will find the helping and outstretched hands of the American people.

Not only were the American people agreed that the inhabitants of the lower Mississippi Valley should have prompt and effective relief when the flood came, but they were also agreed that a recurrence of such a catastrophe should be made impossible. You will recall that when President Harding met the last shipload of our returning dead from Europe he exclaimed, "This must not happen again!" So to-day the universal sentiment of the American people in reference to the great flood of 1927 is expressed in those same words, "This must not happen again!"

It is not my purpose to dwell at length upon the great flood itself. The details are fully known to all of you. Fortunately, the loss of life was not so great as in some other disasters. No definite figures perhaps are obtainable. By some authorities it has been stated that 246 people perished. If this be correct, the loss of life was approximately one-half as much as in the recent disaster in California. We hardly realize it, but it is a fact, nevertheless, that more than twice as many people as perished in the floods in the Mississippi Valley in 1927 are killed every week in this country by automobiles. These casualties are not so dramatic and therefore do not so completely arrest our attention.

The damage to property was over \$200,000,000, and between 600,000 and 700,000 people, it is estimated, had to leave their homes and seek shelter and food in the refugee camps.

With other members of the Committee on Flood Control I spent a week last spring going through the flooded districts from the break in the levee above New Madrid on the north to the break in the levee below New Orleans on the south. It was an interesting and informing trip. We saw much, but one of the things that impressed me most was the wonderful manner in which the Red Cross took care of the situation. If ever a difficult task was well done, such was the case there. I do not know and can not single out the persons to whom particular credit is due. Suffice it to say that there is glory enough for all. The Red Cross has become our great national beacon

light and shines for all the world. Another thing that greatly impressed me was the advance that had been made in preventive medicine. In other days a great epidemic would have broken out and terrific loss of life would have occurred, but so well did preventive medicine do its work in the great flood of 1927 that even in the refugee camps the death rate was little more than normal. What a wonderful work has been done for mankind by members of the medical profession. Oftentimes the men who by their researches and experiments make discoveries that save innumerable lives are wholly unknown to fame. In a larger sense, however, they have their reward.

What is known as the alluvial valley of the Mississippi River extends from the Gulf of Mexico to Cape Girardeau. Geologists tell us that this valley was formerly a part of the Gulf but that the silt coming down from the upper reaches of the Mississippi and its tributaries filled this alluvial valley until only the present narrow channel for the river remains.

This alluvial valley contains 29,790 square miles. It comprises a part of seven States, as indicated by the following table expressed in square miles:

	Square miles
Illinois	65
Missouri	2,874
Kentucky	125
Tennessee	453
Arkansas	4,652
Mississippi	6,926
Louisiana	14,695

In fertility and richness the land in this valley is equal to that in the famed valley of the Nile. In this respect no other land in the United States surpasses it. The soil in the alluvial valley can never be exhausted.

The Mississippi River is, of course, the most important stream in the United States. It stands in a class entirely by itself. It is 2,475 miles in length and has about 250 tributaries, of which 50 or more are navigable. The Mississippi Basin contains 1,240,000 square miles, or about 41 per cent of the continental United States, and includes—in whole or part—31 of our States.

Instinctively we recognize that the Mississippi River has been a most important factor in our national development and history. In the very center of this Capitol—commonly known as the rotunda—hang eight large paintings. These paintings have this place of honor not because they are great masterpieces of art, because they represent great historical events. Among these paintings is the Discovery of the Mississippi River. You are all familiar with it. You have seen it again and again. Of all the great things that have passed through this Capitol and have looked upon this familiar painting, no one has ever questioned its right to this place of honor.

The hearings on flood control by the Committee on Flood Control were long and extensive. They began November 7, 1927, and continued almost daily, morning, afternoon, and night, for nearly three months. About 300 witnesses appeared before us. Some of these imparted much information and some had little wisdom to offer. The hearings made six printed volumes, with a total of nearly 5,000 pages. In view of the subject under consideration these volumes should not be considered "dry" reading, yet I doubt whether many of the Members will wade through them. Some may think that a flood of words is quite as bad as a flood of water. [Laughter.] The first witness was William Hale Thompson, the well-known mayor of Chicago. There may possibly be some difference of opinion as to the great war he has been waging against King George, but all will agree that he is a picturesque character. He is picturesque not only in manner, but also in speech. Some time ago he announced to the world that King George would have to keep his snoot out of Chicago. That was not saying it with flowers. Our hearings started, so to speak, with a bang. When Mayor Thompson left Chicago to appear before the committee he did not simply pack his grip, sit down in an ordinary Pullman, and read an ordinary book. No; he came in state, with 12 special trains and 2,000 followers and retainers. When the Queen of Sheba visited Solomon she no doubt did her best to impress that able and clever ruler, but her caravan, I dare say, had nothing on William Hale Thompson's trip to Washington. It will always be easy to remember our first witness.

Our hearings had not proceeded far when we were told that flood control on the lower Mississippi should be only a part of our task and that a new and revolutionary policy should be adopted by which the National Government, at national expense, without local contribution, should control the floods on every stream in the country that might cause loss of life or damage to property, no matter how small or insignificant such a stream might be. This was a surprising development; but, like vaccination for smallpox, it "took." We began to hear of rivers from every direction. I never knew before we had so many rivers in this country. Some of these rivers evidently

had been concealing themselves, and now, for the first time, came out of hiding. More than that, all of these rivers were represented by the patriots that came before our committee as being desperately wicked and terribly dangerous. According to their story, even rivulets and creeks had become monsters of iniquity and were threatening to engulf the people and their property. As represented to us, the situation was a most distressing one and but one hope of salvation was held out, namely, national flood control at national expense, without local contribution.

The prospect of easy Government money had a very natural effect. Demands for it came from every direction. One witness, more frank than others, when asked to state definitely and specifically just what his people wanted, replied, "Why, we want our share of the money." He thought we were dividing up the money in the United States Treasury and he wanted his people to be in on it. As a matter of fact, he was not far wrong, from his viewpoint. If we adopt the policy to which I have just called attention, the national flood control of all the streams in the country at national expense and without local contributions, the money in the United States Treasury will be quickly divided up.

If that policy is adopted, new geographies will be needed in our public schools. In the geographies which we now use many of the streams for which flood control is asked are not even shown. Necessarily, therefore, the new geographies showing these streams will be much larger than the old ones and, of course, it will cost more to publish them. That should not deter us. We can have them printed "at national expense, without local contribution." In the meantime we can adopt this great, inspiring slogan, "When bigger geographies are made, 'flood control at national expense, without local contribution,' will make them." While thinking on these things let us not forget the noble words which I quoted a moment ago, "We want our share of the money."

If the Government ever takes charge of all the rivers of the country for flood control at national expense and without local contribution, the cost to the Government will be staggering, more, no doubt, than the cost of anything else ever undertaken by the Government except, perhaps, the World War. One of those advocating such a policy and with a keen appreciation of what would result if that policy were adopted, recently remarked somewhat facetiously, "Heretofore we have been drawing money out of the National Treasury through the bung-hole, but if we put this policy across it will knock in the head of the barrel." He was undoubtedly right. If this policy is ever adopted, the head of the barrel will certainly be knocked in.

Many things could be said about the hearings, but I shall content myself with but a few observations. Nearly all of the witnesses were interested parties—interested directly in a financial way. The unanimous desire and insistence of these witnesses that the Government should pay the entire bill has been emphasized. To me such unanimity does not seem at all remarkable. I know of nothing that people are more anxious and willing to do than to place their burdens on the shoulders of the Federal Government. I know of nothing that the people acquiesce in more readily than the payment of their bills by the Federal Treasury. These interested witnesses were all asked if they thought that they should pay any part of the expense, and it is true that they all promptly replied "No." Do you think that is strange? Then they were asked if they did not think that the Government should pay it all, and it is true that they just as promptly answered "Yes." Such testimony by interested parties is not very impressive. To me it proves nothing except that human nature is still the same. If litigants in court were permitted to give this kind of testimony, I assure you not much would ever be recovered.

Mr. HOCH. Will the gentleman yield?

Mr. KOPP. I yield to the gentleman from Kansas.

Mr. HOCH. I quite agree with what the gentleman is saying, but I hope the gentleman will not make it unanimous, because the gentleman will recall that the witnesses from my own State vigorously opposed the proposition of the Federal Government meeting the entire expense and said they expected in any flood-control proposition to bear a considerable part of the expense.

Mr. KOPP. That was partly true of the representatives that appeared from the gentleman's State.

Mr. HOCH. It was true of the governor of our State and his associates who appeared before the committee.

Mr. KOPP. One of your very distinguished gentlemen said the Government should pay it all. The delegation from the gentleman's State that agreed with my position were the exception, and you know the exception proves the rule.

It was suggested during the hearings at different times and in different ways that the upper States had done a great wrong to the lower States in the Mississippi Valley by throwing water down upon them, and it was stressed repeatedly that the upper States should be compelled to take care of this water. This, as I look at it, is a self-evident fallacy. The upper States have not thrown their water down on the lower States. As I understand it, God made the earth, including the Mississippi River and the law of gravity. As I understand it, neither legal nor moral responsibility is imposed upon anyone because water still continues to run downhill.

When the people settled in the alluvial valley, they did so with their eyes open. They knew the Mississippi River was there. They knew that floods had come in the past and that floods would come again in the future. Nobody forced them to settle there. Nobody wronged them. Nobody imposed upon them. They had a good and sufficient reason for locating in that valley. On account of the richness of its soil they preferred to settle there and take their chances with the floods. Others took their chances with the drought in the semiarid regions, and they also had great losses, but in neither instance has the Government been in any way to blame.

The Government was also criticized during the hearings, in various ways, because the levee system had not been made an unqualified success. It is true, for instance, that the levee system, by restricting the flow to the channel between the levees had caused increased flood heights in the lower valley, but why blame the Government for this or anything else connected therewith? The Government did not impose the levee system upon the people of that section. Far from it. The levee system was initiated by the local people themselves. They promoted the system. They came to Washington for years and persistently asked for it. All that the Government did was to yield to their entreaties. The Government never required the building of levees. It only aided the people when they decided to build levees, and this at their urgent solicitation and request. Furthermore, the various levee districts had their own engineers and these engineers approved all the projects.

Let it be clearly and definitely understood by all that the record of the Government in the alluvial valley has been a generous one—a record that deserves praise and not blame from the beneficiaries.

Much criticism during the hearings and at other times has been directed at the Army engineers. Some of these criticisms have been made by other engineers who would like to get in on this project. Applicants for executive positions in the execution of this project are quite numerous throughout the country. The applicants seem to be fully convinced that they are much better fitted for this task than the Army engineers. They frankly admit their superior qualifications.

It has been asserted, over and over, that the Army engineers demonstrated their incapacity and unfitness for taking charge of this project by failing to provide for the superflood of 1927. This argument when first heard sounds like a clincher, but upon second thought loses its entire force and effect. It is true that the Army engineers did not prepare for the superflood of 1927. They did not know it was coming and neither did anybody else. The Army engineers judged the future by the past; that was the best they could do. Patrick Henry's eloquent statement that there was no way to judge the future except by the past has been approved and applauded for more than a century and a half. The Army engineers did what any sensible and prudent man would and should have done under the circumstances. If the critics of the Army engineers knew that we were to have a superflood in 1927, or any other time, why did they not tell us about it? Why did they not announce to the world what was in store for us? Why did they not warn us before the catastrophe occurred? We do not give any great or outstanding importance to the man who says, "I told you so." But these critics are not even in that class, for not one of them ever told us so. If any Member of this House thinks that he knew that the superflood was coming, why did he not communicate his wisdom to the rest of us before the thing happened? Every one of us knows that if any Member had introduced a bill during the last session of Congress authorizing the appropriation of three or four hundred million dollars for the control of such a flood, his bill would not have received the slightest consideration in this House. Why? Simply because the Members of Congress, like the Army engineers, judged the future by the past. And if during the last session the Congress had passed such a bill authorizing the appropriation of three or four hundred million dollars for flood control, the country would have looked upon it as a frightful outrage. Why? Simply because the country, like Congress and the Army engineers, judged the future by the past.

While much was said in the hearings against local contributions, the situation in the valley was never made clear to the people generally. The emotions were, of course, deeply aroused by the flood of 1927. The people became very sympathetic for the refugees who were driven from their homes and had to spend weeks and even months in the refugee camps, where they were fed and clothed by the Red Cross. It must be borne in mind, however, that the people whom the Red Cross succored are an entirely different class from the people who will receive special benefits from the levees and other flood-control works.

Generally speaking, that is not clearly understood, but this will be made plain to the country. Most people still think that the local contributions, if insisted upon, will come from the poor refugees, but that is not the fact. The 600,000 or 700,000 refugees will not receive any special benefits from flood control and will not be required to pay local contributions if that policy is adopted. These refugees are poor laboring men or poor tenants who own no land. Of these refugees about 500,000 are poor colored people. The money that was raised for them was a charitable and benevolent fund out of which they were supported and clothed until they could readjust themselves. The owners of the land are an entirely different class. They include the corporations, the bankers, the capitalists, and other large property owners.

No special benefits under this bill will go to the survivors of the poor people that were drowned. No special benefits will go to the refugees who are now trying to make a new start in life. All the special benefits from flood-control works will go to landowners. A large proportion of these live in the cities and towns and live as well to-day as they did before the great flood came. The records show that large corporations hold a big part of the land. Some of these corporations own upward of 50,000 acres. More of them own upward of 25,000 acres, and many own upward of 5,000 acres. The individual owners also in large numbers own great tracts of land. These landowners are not entitled to charity. They have no claim upon us from that standpoint. If we are to give something to the poor people in the lower valley we must give it to an entirely different class from the landowners. We should not permit our tender sympathies for the poor refugees to be coined into dollars for the landowners.

The landowners have put up a great campaign. Many lobbyists have been here for months during the winter. These people, of course, have a right to be represented here by as many lobbyists as they want. Many expensive advertisements have been published from one end of the country to the other. I need not tell you that the refugees have not been paying for these lobbyists and advertisements. That is done by the men who own the land back of the levees and who expect to be, and who will be, tremendously benefited by flood-control works.

I repeat, and I want you to remember, that the poor refugees will receive no special benefits. Not even the families of those who perished will get any special benefits. Here and there may be found an exception, but generally this is true. If these poor refugees and the poor families of the people who lost their lives were to receive the special benefits, we could more readily reconcile ourselves to the doctrine that there should be no local contributions. But it does seem that when special benefits go to the owners of large estates there should be local contributions. Any other rule is unfair and unjust. Nobody has insisted that any arbitrary rule should be made as to local contributions. All we asked was that an economic survey should be made and that if these landowners were able to pay for the special benefits they received, a contribution should be required, and that if they could not pay for special benefits, they should be relieved. I insist that this is fair. I insist that this is just.

It is a far cry from the poor refugees to the corporations, capitalists, and bankers who own the lands. The latter are not objects of charity and are not entitled to charity. It behooves us to exercise due caution that these men shall not convert our tender sympathies for the refugees into large donations for themselves.

The flood had scarcely started last spring until a great cry went up for a special session of Congress. Frantic appeals were made to President Coolidge to call such a session. It was fortunate, indeed, that we had a President not only of good judgment but also of high courage. [Applause.] What could a special session of Congress have done last spring? There was then no evidence on which Congress could act. It was impossible to procure that evidence until about the time the regular session convened; and even after we procured it, it took us nearly five months to get a bill ready for consideration by the House. Any legislation during a special session would

have been the result of strong emotions and would not have been based on sound judgment.

It is a great thing for a country to have a President who is not only right upon the issues before the country at the time of his election but who is also equal to the emergencies that arise from time to time during his administration. No wonder that the country has such remarkable confidence in President Coolidge.

Many bills have been introduced during this session on flood control, but the only bills considered have been those introduced by Chairman REID, of the House committee, and by Chairman JONES, of the Senate committee.

The Reid bill was introduced December 21, 1927. It was amended and ordered favorably reported to the House on February 16, 1928. To this bill six of us felt compelled to file a minority report. The reasons given for our minority report were, briefly, as follows:

That it offered no basis even for an outline of a flood-control plan for the lower Mississippi River.

That it delayed the adoption of any definite flood-control plan until complete study of the Mississippi watershed could be made by a newly created commission of seven members, a majority of whom would probably be wholly unfamiliar with the Mississippi problem.

That it provided maximum flood crest heights at Cairo, Arkansas City, and New Orleans, which heights had been arbitrarily and unwisely fixed without any supporting evidence.

That it exempted from local contribution all costs of construction and maintenance of such control works without reference to local benefits or ability to pay, and in effect reversed the well-settled policy of the Government that there should be local contributions for special benefits.

The Reid bill as reported required gauge heights to be kept down to 54 feet at Cairo, 58 feet at Arkansas City, and 19 feet at New Orleans. These gauge heights in our judgment were entirely impracticable. We found that it would cost \$1,400,000,000 to keep the river down to these gauge heights, and there was doubt even if that sum would be sufficient. The bill did not even provide for the local communities to furnish rights of way for the levees, and also placed the entire burden of the maintenance upon the Government.

The other Members joining with me in this minority report were Mr. FREAR, of Wisconsin; Mr. STALKER, of New York; Mr. DAVENPORT, of New York; Mr. SELVIG, of Minnesota; and Mr. COCHRAN, of Pennsylvania. We would have been glad if we could have joined with our colleagues in reporting a bill, but from our standpoint the Reid bill had so many objectionable features and was so revolutionary in character that we could not do otherwise than file our dissent.

Subsequently the Senate passed the Jones bill, known as S. 3740. When that bill reached the House it was, of course, referred to our committee. When that bill was submitted to us we found that in some important respects it was an improvement over the Reid bill. It waived local contributions in this particular project, but it did recognize and declare that local contributions for special benefits were fundamental. It also recognized contributions further by requiring maintenance of the levees on the Mississippi. In addition, it did not contain the objectionable gauge heights. It also provided a commission that was more practicable than the commission in the Reid bill, and in a general way at least adopted a plan for the project.

With us it was a choice between two evils, and we decided to take the lesser and voted to report out the Jones bill as it came to us from the Senate. By this we did not commit ourselves to the Jones bill on the floor. That was made plain and was clearly understood at the time. We hope that the Jones bill, which is before us now, will be so amended and so perfected that all the Members of this House may feel free to vote for it.

Briefly let me now note some objectionable features in the bill before us. In the first place, all of section 1 after the words "chief of engineers," on line 2, page 2, should be stricken out. The whole project should be put under the direction of the Secretary of War and the supervision of the Chief of Engineers. The commission in this bill, while better than the commission in the Reid bill, will inevitably mean increased expenditures. No one can tell what such a commission will do. The way to build these flood-control works is to put all the responsibility upon the administration, which is responsible to the people and can be held accountable by them.

Section 4 contains vicious provisions. Who the author was of said section 4 I do not know, but I feel very certain that it originated in some railroad office. The purpose of that section is to give the railroads in the Mississippi Valley an unfair and unjust advantage. If left in the bill it will make the railroads a present of many millions of dollars over and above just compensa-

tion. Under the Constitution, as provided in the fifth amendment thereto, private property can not be taken for public use without just compensation. That phrase fixes the damages to which everybody is entitled in condemnation proceedings when property is taken for public use by the United States Government.

The railroads, however, in the lower valley are not satisfied with the Constitution of the United States. They have inserted cunning language in section 4.

You will note the first part of the section lays down a very broad rule of damages. It seems to include remote and indirect damages, and if section 4 contained only the last three lines at the bottom of page 4 and the first three lines at the top of page 5 it would lay down a broader rule of damages than the courts have heretofore fixed.

But note the first two words in line 4 on page 5. These words are "and also." Therefore, in addition to the rule of damages laid down in the preceding lines, further damages are to be awarded to the railroads. These railroads are preparing to file enormous claims. They came before our committee and asked for over \$70,000,000.

The retention of section 4 as it now reads will mean a vast amount of litigation and ultimately great loss to the Government. In any event, why should anybody be given more than the Constitution of the United States plainly directs? Everybody is entitled to just damages, and the courts of the country have interpreted that phrase many times and have laid down rules for ascertaining just damages.

All of the language in section 4 of the bill enlarging the rule of damages fixed by the Constitution of the United States should be stricken out.

The railroads are entitled to their rights. Nobody would take any away—nobody could take them away. They are fixed by the Constitution of the United States.

This bill must be kept free from all graft of every nature and kind. The people of the country have felt sympathetic toward the South, but if they find that this bill is loaded down with graft there will be such a revulsion of feeling as was never witnessed before in the entire history of this Nation. This bill must be clean in its terms, and the flood-control project must be executed by clean hands.

This bill, while it recognizes the fundamental principle of local contribution, does not require any contribution except certain maintenance along the main channel. It does not even require the landowners to furnish the right of way along the Mississippi. This would not be much, for in extent the levees are completed most of the way from Cape Girardeau to the Head of Passes on both sides of the river, where levees are practical. In other words, the United States Government is to make the landowners of the alluvial valley a big present, and then, in addition, is to pay for a place to put it. Without further at length arguing this matter, permit me simply to say that this situation reminds me of an incident that took place in my State many years ago. An old gentleman, who had acquired some means, decided to make a donation of a new church to the congregation to which he belonged. He offered to erect a new building if the congregation would provide the furnishings. A meeting of the congregation was called to consider this proposition, and after a long and heated discussion the following resolutions were adopted:

First. That it is the duty of Brother Johnson to provide the furnishings as well as to erect the church.

Second. That some of the members are too poor to contribute to the purchase of the furnishings and that therefore, it would be economically unsound for the rest of the members to contribute.

Third. That we are opposed to local contributions.

After considering these resolutions with some degree of patience, Brother Johnson replied as follows:

My dear brethren, your very interesting resolutions have been received. When I offered to erect a new church building if the congregation would provide the furnishings I thought I was serving the Lord. I now find I was mistaken and will await His further orders.

[Laughter and applause.]

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman, I rise for the single purpose of making a correction with reference to some matters of fact.

In an extension of remarks on April 4 last, on page 6150 of the CONGRESSIONAL RECORD, the gentleman from Wisconsin [Mr. FREAR], speaking of the benefits that would accrue to some of the large owners of properties in the flood ways, used this language:

It has been alleged that the Hines Lumber Co. of Chicago has large interests in the flood area and that it has been actively interested in the no-contribution campaign. A casual examination of the record fails to disclose any large holdings of the company under that name in the flood ways, although other lands among 15,000,000 acres to be protected may be involved.

[Omitted from the PERMANENT RECORD.]

While that language is very carefully used and probably can be said not to make the direct charge that the Hines Lumber Co. owns property that may be benefited by the pending bill, still, representatives of this company, many of whom are residents of my district, and particularly their vice president, Hon. William S. Bennet, formerly a Member of this House and now vice president of the Edward Hines Lumber Co., have asked me to place in the RECORD a statement by Mr. Bennet himself to the effect that neither the Hines Lumber Co. nor any of its subsidiaries or stockholders have any interest whatever in the land that may be affected by this legislation and own no property that may be acquired for the purpose of flood ways.

There is another company by the name of Hines listed somewhere as owning property in this area, but that has no connection or association with the Edward Hines Lumber Co. of Chicago.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the brief statement by Mr. Bennet.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The statement is as follows:

Neither the Hines Lumber Co., of Chicago, nor any company under any name in which the stockholders of that company are interested owns any land within a hundred miles of the flood ways. We do not own any land at all in either Arkansas or Louisiana. We own land on the Gulf coast of Mississippi in Harrison and Hancock Counties and in Stone, Pearl River, and Lamar Counties, immediately adjoining those counties to the north, but these lands are nowhere near any flooded region and not even in the watershed of the Mississippi River. They are the only lands that we own in the State of Mississippi. Congressman FREAR has shown me that he based his statement upon the name of J. H. Hines Co., who, according to the list in the second column on page 5874 of the CONGRESSIONAL RECORD, owns 10,202 acres in Avoyelles Parish. I have never before heard of this company. It is in no way connected with the Edward Hines Lumber Co. * * * It is my intention by the foregoing to make clear the fact that neither the Edward Hines Lumber Co. nor any stockholder in that company owns land in the flooded district at any place.

Mr. FREAR. Mr. Chairman, I yield myself one minute in order to say that the statement made by the gentleman from Illinois is accurate. I made no charge whatsoever; I was informed that the Chicago lumber company owned property there, but I was careful, without any direct information, to state that the Hines Co. was the same. I did so to protect myself from injustice to the company, although there was no improper charge made, for they had a right to own property there if they chose to do so.

I now yield 15 minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman and gentlemen of the House, I do not anticipate that I can add much of new information on this great subject that we are discussing, but I want to state briefly and definitely my position upon the question, and I think it is that of the people of the State of Nebraska, which I in part represent.

I will vote for a bill that authorizes a plan which will be effective in the regulation and control of the flood waters of the Mississippi and which will promote in the greatest degree the interests of the whole valley and does not unduly burden the National Government.

The bill under consideration sets up a policy and authorizes national expenditures that, if carried to their probable conclusion, can bankrupt the Federal Treasury. I can not support the bill in its present form. The committee that reports it admits that it is not the best nor most efficient plan. Its final cost is beyond the ability of the human mind to conceive or determine.

It is proposed to expend untold millions, raised by general taxation, for the benefit of a limited territory, without any contribution or payment by those directly benefited.

The Congress has in the past authorized great policies and plans for national development—the reclamation act and the national highways are examples. One hundred and fifty millions of Federal funds have been expended by the Government to develop irrigation projects operating in 11 States. But the farmers who have benefited by the expenditure of that great sum of money are bound and their lands and property are

pledged to pay back into the National Treasury the money advanced.

Hundreds of millions of dollars have been taken from the National Treasury for the construction of highways, but because the States where they are built are greatly benefited by them the law rightly requires that the States shall pay one-half the cost of their construction. Either the States that benefit from flood control should bear a fair share of the expense or we should provide a plan that will amortize at least a part of the cost to the Federal Treasury.

The committee report states in large type, page 14, "Reservoirs regarded ideal method of control." This truth is fundamental. It is a Scotch saying that the wealth of the farmer is wrapped up in the weather. The wealth and also the troubles of the Mississippi Valley are wrapped up in the weather and the water it brings. Man can not control the weather, but, regulated and restrained, the water in the river will become the greatest blessing bestowed upon this Nation. We all remember the story of the bundle of sticks that could not be broken, but taken one by one they were easily snapped asunder.

And so with the river. United, the floods of the Father of Waters defy man's attempt to confine them. Divided and regulated by reservoirs and storage dams the river will become the servant of man, not his master.

Attempts in the past to confine the combined flood waters to a certain channel have always failed. Either the waters themselves break through the walls built to hold them in, or men destroy their own works to lessen flood destruction. Spillways and "fuse" levees are admissions of this truth.

Nature gives to the Mississippi Valley enough rainfall in every year to make it the most productive agricultural region in the world. When too much of the annual precipitation is concentrated into certain months and the excess waters are permitted to flow unchecked into the lower valley flood losses occur.

If the excess rainfall for the spring months can be held back for a time, floods will be avoided and great benefits in many States will follow. If the spring floods are not stored and used upon the tributary watersheds, the waters are wasted and the lands they destroy are washed into the sea. Losses from drouth on the valley watershed are greater than the damage from too much water. The waste of national wealth by soil erosion is worse than the destruction by floods on the lower river.

Control of flood by protective walls and spillways alone is a policy of great initial and continuous expense with no possibility of returns to the National Treasury. The experts whom President Coolidge has consulted have estimated that the cost of flood control by levees and spillways on the lower Mississippi will amount to more than fifteen hundred millions of dollars. If original estimates are so huge a sum, no one can tell whether the final cost will be one thousand five hundred millions or three thousand millions. In addition there will be continuing maintenance expense.

I was a Member of the House when we voted to build the Panama Canal. Mr. Cannon was then chairman of the Appropriations Committee. I remember that he stated, the engineers say, that the cost of the canal will be \$150,000,000, but no man—no engineer—can tell me whether the cost will be \$150,000,000 or \$300,000,000, because when man sets himself in contest with the greatest powers of nature no set of engineers can tell where the expenditure will cease. He was vindicated, because the cost of the canal was over \$300,000,000 instead of \$150,000,000 as originally estimated by its advocates.

Expert engineers vary as to probable cost of reservoir storage, but the consensus of opinion is that it will not reach one-half the amount given by the President's advisers as the cost of controlling the floods by walls and spillways in the lower valley.

Regulation by storage and diversion on the tributary streams that cause the flood will be a source of continual benefit to the States and constant returns to the Federal Treasury. Attempted control by levees and spillways will constitute a system of never-ending expense and constant danger.

The committee which reports the bill admits that reservoir control is the scientific and permanent plan for prevention of floods in the Mississippi Valley. Their report states:

The engineering profession, civil and Army, are in accord on the theory that the ideal method of controlling floods is through the use of reservoirs by means of which waters are impounded and controlled in the source of streams.

But they only preach reservoir control. They do not authorize it. What excuse, then, is offered for failure to adopt the only plan that will really work a scientific and economical solution of the flood problem? Reservoir control is rejected, I am told, because a board, the chairman of which, Col. William Kelly, late of the Army engineers, but now in the open employ

of an electrical power corporation of New York, decided it too expensive. The electric-power monopoly, of course, is fighting reservoir control, and the employment of Colonel Kelly by the Power Trust followed fast upon his report against the storage plan.

The amortization of the cost of control by the sale of hydro-electric power is an integral part of the economy of the reservoir plan. After an exhaustive study of the whole question, the committee report on page 22 declares as follows:

The total estimated cost of a comprehensive reservoir control is placed at \$445,000,000.

This is about one-third as great as the President's advisers have estimated the price of control under the plan proposed in the present bill.

This bill makes all costs of control a charge upon the National Treasury. No payment is required from any source because of benefits derived. No hope is held out anywhere that money once paid out will ever be returned.

Opponents of storage control contend that reservoirs would be full when floods come. Not if the waters are utilized as they should be for salvage and to amortize the cost of flood control. Water can not be held in reservoirs and used at the same time. For power purposes it must run over the dam. For irrigation it must be spread upon the land. For navigation use it must flow down the river.

Engineers have estimated that the surplus waters that flow into the Mississippi in a flood year like 1927 would fill a lake of the area of the State of New Jersey to a depth of 10 feet.

Agricultural engineers and soil experts agree that an equal amount of water can be stored in the soil of the States of South Dakota, Nebraska, Kansas, and Oklahoma every year to the everlasting benefit of those States and to the salvation of the Mississippi Valley.

Navigation, power, and irrigation are the highest beneficial uses for water in rivers. Storage in reservoirs on tributary streams will utilize the flood waters for these purposes. No other plan will.

Permitting floods to run to destruction on the lower valley wastes and neglects our greatest national resource. If we build storage reservoirs on the watersheds of the upper valley the sale of water and power will, in the course of years, largely repay the cost of construction to the National Treasury.

No one has been bold enough to claim that dirt walls on the lower river will insure the valley from damage by floods in the future, or that any portion of the cost will be paid back into the Federal Treasury. All the States will be taxed to pay the cost of construction and damages resulting from any unsuccessful, unscientific, and uneconomical plan of flood control.

Because we have been blind enough to practice nothing but primitive plans and principles in the past should not prevent us now from spending the Nation's money wisely and for lasting benefits to the entire valley.

We must not blame those who have felt the full force of the concentrated floods in the past that they now ask protection, no matter at what cost to the Federal Treasury. They rightly demand safety from the devastating wall of waters that flows down the river in flood time. But it is also the duty of Congress to select the best plan of control and to protect the National Treasury. Storing the flood waters on the watersheds where they fall will protect the people in the lower valley from floods, and at the same time start a stream of money into the National Treasury paid for the use of the waters where they are impounded. Let us develop our national resources by making these flood waters a power for production and national prosperity. Let us store the waters and save the land, not use them as a lever to open the floodgates of the National Treasury. [Applause.]

I have here a chart which I want to comment upon briefly. This section shows the entire flood in second-feet in the Mississippi Valley at the crest, practically 3,500,000 cubic feet of water per second. This next diagram shows you where the flood came from. The Arkansas and the White added more water to the flood than any other streams. The next greatest contributor was the Ohio, then the Missouri, and here comes the upper Mississippi, and here is the Red River. This picture shows all that the lower Mississippi contributed to the waters of the flood. This chart shows where the silt in the Mississippi comes from. The floods and the silt are the two things that do the damage. The silt coming down the Missouri River is vastly more than that from all other rivers combined—the Mississippi, the Ohio, the Arkansas, and the Red Rivers. That is the reason the Missouri is called the Big Muddy. It brings down ten times as much land and silt as any other single stream. That is the reason we ask consideration of it. This section shows the annual rainfall. This chart was prepared by the

engineering department of Nebraska, under Professor Mickey, a witness who appeared before the Flood Control Committee. This shows the water that falls in the entire valley in an average year. So you can see that after all the people who are far from the mouth of the river have much to do with determining the solution of the problem you are fighting against.

As to the possibility of amortization of cost of flood control by reservoirs, in the State of Nebraska we have the Platte River and down through Kansas there runs the Kansas or Kaw. They are the two great tributaries of the Missouri, which we know is really the Mississippi River itself. In the valley of the Platte there are great reservoir sites that will store the flood waters in that stream. Nebraska business men engaged reclamation engineers under authority of an act passed by Congress and have expended \$30,000,000 or more of money raised by themselves. They had that project surveyed and estimated and determined by the Government engineers and the cost of moving every foot of the dirt and building the power plant. I took that project down to the Federal Power Commission, authorized to go into such matters, and, based upon the exhaustive report of the Government engineers, which took a year or more to prepare, I was told that 80 per cent of the cost of that project can be amortized to the Government in 40 years.

Mr. SIMMONS. And the gentleman might state that up the river we have demonstrated the truth of this theory in the Platte project.

Mr. SHALLENBERGER. At the Pathfinder Dam the Government has already built a dam that has reduced the floods by 40 per cent in the Platte River and equalized it during the dry season to the extent of 45 per cent. What can be done in Nebraska can be done at the sources of all the streams that flow into the Mississippi, and such a system will work an absolute solution of the question. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Chairman, I would not expect this bill which we are considering to meet the plans and specifications which are in the minds of many different Members; but all great pieces of legislation are brought about usually in the way of compromise. Generally speaking, I can not conceive of how we can get a much better bill than the one that we have here. I am going to forego discussion of any part of the bill save and except that in which I am particularly interested, relating to tributaries. I crave the indulgence of this House until I can give you a picture of what happened in my district as an illustration of the importance of tributaries in the consideration of this Congress in arriving at the proper flood control bill.

I say it without any expectation of contradiction that my district suffered more permanent irreparable injury in the floods of 1927 than any other like area in the United States. There was not a drop of water in my district from the Mississippi River. I say without fear of contradiction that Arkansas suffered more loss in dollars than any State in the Union as a result of that flood, and that only 12 per cent of that loss was caused by the waters from the Mississippi River. There is confronting you now the biggest peace-time question that will come before Congress in this generation. If we had only the floods south of Cairo, Ill., to the Gulf of Mexico to consider, our flood problem could, in a way, be solved. Whenever you submit a flood project for Arkansas, which benefits only 20 per cent of the people and neglects 80 per cent of the people, you are doing something that the people of the United States do not want you to do. Whenever you pass flood-control legislation here that does not take care of tributaries, you are doing something that the American people do not want done. If this Congress is to embark upon a scheme of flood control in this country, they must sink their efforts in some constitutional warrant, and I think this bill has found those provisions.

Then, gentlemen, if you are going to base your efforts upon the constitutional provisions as to commerce and the general welfare and the proper dispatch of our mails; if you are going to do it on the constitutional provisions of national defense, then I say to you that wherever you find these constitutional provisions imperiled, the United States Government must go; that is, at least imperiled to the extent of practically paralyzing these enterprises and involving great loss of life.

To give you an illustration of what the State of Arkansas suffered in the 1927 flood, in order to emphasize the importance of this tributary control, gentlemen, I quote now from the most authoritative source that I can get, the Bureau of Economics in the Department of Agriculture.

Mississippi, Louisiana, and Arkansas suffered more than any other States. The number of horses and mules lost in Mississippi was 7,000, in Louisiana was 7,000, in Arkansas was 9,000.

The number of cattle lost in Mississippi was 9,000, in Louisiana was 19,000, and in Arkansas was 21,000.

The number of acres of land inundated in Mississippi was 861,000; in Louisiana, 1,100,000; in Arkansas, 1,839,000. Therefore, gentlemen, it will be seen that there were inundated in Arkansas approximately 750,000 acres more than in Louisiana.

Let us see how much of that damage came from the tributaries. There were over 8,000 horses and mules lost on tributaries, of a grand total of 9,000 lost in Arkansas. There were 19,000 cattle lost and there were inundated over 1,588,000 acres of land along the tributaries in the State of Arkansas. Therefore, gentlemen, according to the figures which I gathered from the Red Cross and the Department of Agriculture we find that the tributary loss in the State of Arkansas amounted to 88 per cent in the flood damages sustained in the State.

I live in a valley where the land is largely owned by the small farmer, who heretofore has been considered an independent farmer. That little valley is 230 miles long, extending from Fort Smith to Pine Bluff. I am only interested at this time in that Arkansas section. That little valley is from 5 to 25 miles in width. It has 11 cities, ranging in population from 3,000 up to 100,000; Little Rock, the capital city, being the largest. In that distance of 230 miles I went, in person, over all the 13 counties except 2. I asked men whose business ability and business integrity I knew personally to give me the statistics as to the losses that those people suffered in that valley. They based the losses on the permanent injury done to real estate, the damage done from loss of houses and contents, the damages through crop losses, and the damages to bridges and highways.

Gentlemen, when they had turned in their different statements to me, I found there had been a loss in that valley of over \$26,000,000. That figure does not include the horses and mules and the personal property outside of the contents of the buildings.

Gentlemen, we have in this bill a survey for the Arkansas River included among the other tributary surveys. Is there anyone, from the President down, who has a voice in this matter that would subtract from this bill, either here or in conference, any provision that would take care of a situation like that? We are standing here ready to shed crocodile tears over the loss of life and property. I say that life and property are as sacred on the tributaries as it is anywhere else.

Governor SHALLENBERGER has in a most able manner presented the question of reservoirs, and I shall not enlarge upon his statement. I have it on no less an authority than General Jadwin himself that through the instrumentalities of reservoirs they can control the floods on the Arkansas River.

Do you know that last year, in April, there occurred on the Arkansas tributaries in the State of Kansas a damage of \$12,000,000? Then you come on down into Oklahoma and there you find they suffered another damage of \$20,000,000, and then you take the damages in the Arkansas River Valley of \$26,000,000 and you have that combined damage in these three States of practically \$58,000,000.

I call your attention to this, gentlemen: That I have not touched the area that is below Pine Bluff, a distance of 150 miles from the mouth of the Arkansas River, and the counties in southeast Arkansas that were overflowed by Arkansas waters. So we come to the question, How are you going to control these tributary streams? If we can not do it with reservoirs, I do not know how you are going to do it. I do know that the State of Oklahoma has taken a very progressive step in this matter. Several years ago the State created a flood commission and this commission has surveyed out many large reservoir locations. These locations by great engineers have been sanctioned as feasible and practical, but Oklahoma has not had cooperation from other interested States. It is a project too big for one State to undertake. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. FREAR. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. DAVENPORT].

The CHAIRMAN. The gentleman from New York is recognized for 20 minutes.

Mr. DAVENPORT. Mr. Chairman and gentlemen, I am a member of the Flood Control Committee of the House, a new member, one who came late into the drift of the arguments and the testimony, and therefore my mind is still in process of education; and in the few minutes I have at my disposal I hope to try, if I may, to draw a picture of the development of the discussion on this issue as I have watched it somewhat from the side lines, but partly in connection with the discussions of the Flood Control Committee itself.

It is nearly a year since the great flood of 1927. Certain facts and points at issue have clearly emerged.

In the first place, a definite conviction on the part of the whole country that the terrible catastrophe of 1927, please God and the efficient purpose of the American people, shall never occur again. A generous sentiment has been aroused, national in its range, that all the integrity, intelligence, and experience of the Government of the United States shall be brought to bear upon the problem and that full account shall be taken of the great losses, the sudden and terrible burden upon the Delta districts subject to the overflow.

Second, there is a conviction that the problem shall be considered as a national problem, that the Nation shall take vigorous initiative, that the administration of flood control in the Mississippi Delta henceforth shall be and must be a national administration, and the program of relief shall be a perfected project, looking forward to protection against not only such a gigantic flood as that of 1927 but against super-floods 25 per cent greater.

Upon these matters there is a unity of purpose, of spirit, of thought that approaches the unanimous. There are not two classes among the American people of those who are loyal to the dollar and those who are loyal to humanity. The Nation as a whole proposes to be loyal to humanity.

But some differences of judgment have arisen. First, about the financing of the project. A vast emotional tide, arising out of the catastrophe of 1927, has borne many to the point of view that the Nation should now not only unify the administration of flood control on the lower Mississippi but should pay for it in its entirety for the first time in the history of the country. There are some harbor and other projects where the general benefit is clearly of vast primary importance and where financial and economic skill and experience have not yet worked out the refinements by which any particular special benefit and unearned increment may be brought to pay its appropriate share of the general burden. In these projects the Nation or the collective governmental entity, whatever it may be, has paid the whole bill as a quick and easy way out of a financial dilemma not yet completely mastered.

But in the Delta of the Mississippi no such difficult dilemma has ever presented itself. The history of flood-control financing in that region is an open chapter of natural development of the fiscal relations between the localities and the General Government. Nature established the great watersheds and drainage systems of the Mississippi before there was a human being on the planet. The General Government is not responsible for it.

This wonderfully rich Delta was built up to fertility by this overflow long before the coming of man. And man took this rich and fertile area as he found it, with its original risks as well as its opportunity of profit and happiness. It was always an unmanageable river, and before there was a State or a General Government, man began to build levees and erect a protection against the natural floods of the Mississippi area. For a long time the navigability of the river was not an issue of first importance, and it was the fields of cotton and of cane which were regarded as in need of protection. For a long period the human encroachment upon the normal expansion of the river in flood times was not great and low levees were enough; for many generations the cost of building levees was amply taken care of by the profit from the products of the enormously fertile soil, itself the gift of the river.

Therefore the roots of protection in the Delta are local roots, and for a long period of our history local contributions toward cost of flood control were the only ones recognized in law or in fact in that region. When the swamp and overflow land acts were passed in 1849, 1850, and 1860, the gift of land to the States from the National Government was to aid the States in the construction of levees and drains, and the drift of the responsibility for protection was still local in its significance.

But the areas under cultivation in the Delta grew and the population on both sides of the river above and below grew. At first the whole Delta territory was sparsely settled. Soon it became covered with a network of cities and highways and improved agricultural sections, and one State competed with another State in throwing higher its barriers. The wide wandering of the river in its flood period was checked and hemmed in more and more, and the sudden and vast rainfalls of other sections of the country were carried through higher and higher and more and more costly levees in the great flood bottle neck from Cairo to the Gulf.

As early as 1879 the Federal Government was brought face to face with its own problem of navigation, as the levees became higher and higher and the silt filled the channels of the river.

The Mississippi River Commission was established and the protection of the navigability of the stream scrutinized and provided for as never before. Federal money began to flow into the care of the Delta, not for flood control but for the protection of navigability.

Then as the torrents of 1912 and 1913 arose and the evidence of the new and intolerable nature of the burden became clear, the Federal Government rallied to the support of the localities in the flood control acts of 1917 and 1923, and the local interests thereafter were required to contribute only one-third of the cost of levees, together with the rights of way, and the share which the Nation as a whole assumed gave proof of the country-wide conviction that the burden on the lower Mississippi was a common burden and must be recognized as such.

And after that, the deluge of 1927, its enormous damage, its vast effects of depression upon the homes and hearts of millions in the valley of the Mississippi. With the flood tide of waters came also the flood tide of national emotion.

And then came the time to think. Committees of Congress, individual Members, and public opinion began slowly to listen to the still small voice of facts, caution, reason. The President of the United States is more responsible for setting the Nation to think on this problem than any other force whatever. [Applause.]

It is becoming clearer that flood control on the Mississippi has its roots in special benefits and that general benefits slowly emerge. What then should the general share of the burden be? Under the impulse of emotion, one suggestion has been that the country should throw aside all thought of special benefit and let the Nation pay it all. Yet there is a special benefit in the perfected project; a surer and more continuous income from the cotton fields—real property in the villages and towns and cities on a securer basis than ever before; railroads free of the flood menace; levee bonds rising toward par; young and growing timber no longer subject to drowning in the overflow—surely there is a special benefit to emerge.

As soon as we stop to think we begin to detect special benefits. The principle of appropriate assessment continues to apply as it always has in the whole history of the Delta.

The only question is, What is to be done about it? Two things may be done. First, an economic survey. Nobody knows just how much of the two hundred and ninety-two millions spent by localities in the Delta through the whole range of protection from the beginning should be credited as excessive in view of the fact that the river has slowly been becoming a general burden through encroachment everywhere upon its natural condition. Nobody knows the worth of vast acreages in the Delta. In the Yazoo Valley the testimony runs from \$40 to \$100 an acre. Which is right? It makes a difference in the amount of contribution which the land might still conceivably and reasonably carry, if provision were made for the burden to be assumed slowly, as the increment of value arises out of the perfected project of flood control. Should not the land be classified, and the worthless, which can bear nothing, be separated from the productive, which can bear something? Will not the railroads in the protected areas be vastly better off, and is it necessary to legislate advantages to them and then pay them for the advantages out of the taxpayers' money? Is there not protection enough against damage for them in the Constitution, without specifically writing something still better into this bill?

There are many questions which are vital to the fair and just solution of the Mississippi flood-control problem on its financial side which can not be answered except by an economic survey by competent persons. Certainly Congress can not settle questions of equitable burden like these by guessed-at percentages or slap-stick financial sections inserted in a bill. An economic survey need not stand in the way for a moment of the vigorous prosecution of essential works of flood control. This is the thorough way and the sound way. This is the way to be sure that the taint of privilege and injustice, broadly charged in the reported views of the President of the United States, may be guarded against.

But an economic survey stirs some sincere apprehension in the minds of the masses of the people in danger of flood. They fear that it means delay and disappointment. It also is calculated to stir the apprehension of any particular interest which may now be profiting by inequitable or inefficient assessment or tax system and which prefers to remain secluded in its security.

And so the alternative of a compromise settlement of the contribution problem has come to the fore. Let us close the matter now, for this particular project, say some, in view of all the circumstances and conditions which surround it, by limiting local contribution to rights of way or for the levees on the river and the flood ways and for maintenance. This will not only serve as a bulwark to the fair principle of local contribution

for later projects on the tributaries of the Mississippi and elsewhere but practically approve it under those circumstances and under those conditions where it may again come to its full significance. A method of reasonable compromise may be considered because of the perhaps excessive expenditures of \$292,000,000 by these localities hitherto, and because of the interstate character of the great new flood ways.

But there is need of preserving the principle and practice of local self-help. There never was a time in the history of the country when vast projects requiring vast expenditures of the money of the taxpayers pressed so closely upon the Congress of the United States. It is time to think and to plan and to protect the Federal Treasury and not to yield to the emotional tide. Loyalty to humanity is entirely compatible with loyalty to sound governmental financing. The emotionalists who decry carelessness about the dollar, whether the private dollar or the public dollar, have again and again proved themselves to be the real foes of humanity. Perhaps the most depressing chapter in the history of the United States is the financial chapter. Partly necessary and partly ill-managed, the emotional financing of the War of the Revolution, the War of 1812, and the Civil War brought vast misery to the American people. It was not until toward the year 1900 and the early years of the present century that the Government of the United States came to an understanding of the problems which had to do with its own financial well-being. The John Shermans, Nelson Aldriches, the Carter Glasses, and the Woodrow Wilsons, who made the country stop and think about the financial road it was traveling—the country owes them a debt of gratitude which it never can repay. [Applause.]

This is the great contribution in our time of the present President of the United States.

The appeal to emotion, to carelessness, to free spending of other people's money, is in the end the most deadly menace to the orderly progress of humanity.

And the next most needful thing to look out for in this bill is the agency which is to prosecute the project. I am for the Army engineers as the responsible directing authority, with full control of contracts and expenditures of the money appropriated by Congress. I have watched them throughout the development of the discussion of this project, and they are the one group who have made the greatest impression on me for cool-headedness and high intelligence. They have been trained to integrity and a broad patriotism which looks at a problem from the point of view of the whole people. [Applause.] If I had my way, I would double the number of young men at West Point and Annapolis, not so much from the standpoint of a more adequate preparation for war but from the standpoint of having centers of discipline and integrity and self-control in times of peace in thousands of communities all over the United States. Honesty and efficiency and a soundly disciplined life throughout our borders would be the better for it.

I do not blame the President of the United States at all for desiring the engineers of the Army to have the full directing authority and control of contracts, financing, and planning day by day until the work is done. This is a project far greater than the Panama Canal. President Coolidge properly wishes it to be in every respect of integrity and efficiency a monument to his own carefulness and unselfish devotion to his country. No President wishes 5 years, 10 years, 50 years to pass and facts to become known that involve the corruptibility of a great project like this. His own reputation and the reputation of his administration and of his country are at stake. And he knows that his own best reliance and the country's best reliance is the skill and honor and discipline of the Army engineers. I do not blame the President for indicating that he can not sign a bill which does not adequately safeguard either his own reputation with posterity or the reputation of his country. [Applause.]

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. JACOBSTEIN. The gentleman has made a very able presentation. I want to ask him if he thinks the United States Chamber of Commerce is composed of a group of men that is likely to be swept off of its feet by emotion?

Mr. DAVENPORT. I did not think so until I read the record of the United States Chamber of Commerce in the matter of what should be done about tax reduction. [Applause.] Since then I have been pretty certain that they can be swept off their feet by emotion.

Mr. JACOBSTEIN. The gentleman knows that the United States Chamber of Commerce has determined, on a referendum of 2,131 to 512, that the Federal Government should hereafter pay the entire cost of constructing and maintaining the works necessary to control floods on the lower Mississippi.

Mr. DAVENPORT. I will say to the gentleman from New York that the document he holds came across my desk, too; but it did not register after the action of the United States Chamber of Commerce on tax reduction. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman and gentlemen of the committee, like the last Speaker, I come from a district far removed from the scene of the disaster of the Mississippi; too far away for my people to have any benefits direct or indirect from any project constructed on the Mississippi River. I have tried, as he doubtless has tried, to look at this problem solely from the standpoint of a national legislator. I am glad that he and the gentleman from Iowa, who preceded him, agree with us that in view of what happened in 1927—a loss of 246 lives, between 600,000 and 700,000 people made homeless, an economic destruction of national wealth which they estimated at \$200,000,000, but which the evidence before the committee shows is nearer \$300,000,000, this thing must never happen again. We all agree with what the President of the United States said, that "its recurrence must be forever prevented." The difference is as to how we are to proceed to prevent the recurrence.

The time is passed to dismiss it as an act of God. Floods can not be prevented, but we know to-day they can be controlled and regulated and passed safely to the sea. I have little sympathy with the argument that because in ages past the Mississippi was wont in a state of nature to overflow and devastated 10,000,000 acres of land that therefore it has the innate and natural right forever to continue to do so. Why, where are the sons of the men who conquered the wilderness and peopled the plains of the Middle West? Where are the sons of the men who reclaimed the western deserts? Where are those who boast of the progress and advancement of our country?

Are they willing to say that a million and a half people and ten millions of the most fertile acres in this country are condemned to suffer the ravages of the floods of the Mississippi River and that the people who have built their homes there must take their chances with the floods because in the undeveloped condition of our country the river was accustomed to overflow, uncontrolled and unrestrained. Oh, they say, that in the lower valley they have reclaimed this land themselves, but I say that if they had not done it, it would have been the duty of the Government to have encouraged and assisted them in reclaiming it. It is our duty to make this country as productive as possible and to utilize all its natural resources. Why, not only in the South have they been engaged in this kind of work, but also in Indiana, in Ohio, in Illinois, and in all the upper States on the tributaries of the Mississippi. Wherever a roof has been erected, wherever a pavement has been laid down, wherever an acre of land has been drained and reclaimed there is found a direct contribution to augmenting and intensifying these floods.

It is the natural order of progress and development, and we are not going to confess our incompetency and our impotency by standing idly by and see go on year after year this great economic waste caused by an uncontrolled river when there is a way and a means to stop it. It is of interest to the people of my community as it is of interest to the people of every other community because we are one people and one nation and what harms one part of this Nation harms every part of it and what adds to the prosperity of one part benefits all.

What is the difference between those who oppose and those who advocate this bill? It is simply the means of bringing about the desired result. Thank God, the engineers who appeared before the committee—and they were numerous—testified that given money enough and means enough it is possible to control and regulate these floods and render them harmless. It is our duty as the National Government to see that this is done, and the only question is in what way it shall be done.

The system which has been in vogue has failed, has utterly failed. I say this with no reflection upon the Army engineers. I join in the pean of praise that has been rendered them as to their honesty and capability. We ourselves are in part responsible for hog-tying them, for hobbling them, for hindering them with conditions, with restrictions, with limitations which have made it impossible for them to take a broad, comprehensive view of the problem or for them to adopt a plan national in scope. We have made them dependent by the provisions of the law upon local contributions. We have made it a condition precedent that before they can take a single step in this great flood-control work, they must first have a payment of money from the local community.

As one of the members of the Mississippi River Commission who had given much thought to this matter stated, the fault of the present system is that we have too many weak partners.

This is a question of fact of record, not a question of mere assertion. It is not something that we can speculate about. The truth is that when the flood of 1927 came there were gaps in the flood protective works. The construction program of the Army engineers had dragged three years behind because of the inability of local communities to make the contribution which the law required, and this great flood coming down found these places that were incomplete and not up to standard and it went through those levees.

Why, if the people could have paid—and there is no sham about this matter—they would have paid because they had before them the warning of the great flood of 1922. Do you think they would have quibbled over a few dollars to have made their property, their own lives, and the lives of their loved ones safe? It is the uncontroverted testimony that before the flood of 1927 came they were unable to vote the bonds necessary, they were unable to sell the bonds necessary, they were unable to raise the necessary money by taxation in three or four levee districts. If they failed before the 1927 flood on a lesser constructive program laid down in 1914, how much more incapable are they now to raise a much greater financial requirement to take up this new and enlarged work which we are now told must take place. [Applause.]

Immediately following the 1927 flood it was found that there were 14 crevasses which it was impossible to close under the provisions of the present law because of the inability of local levee districts to comply with the requirements for local contributions. The Mississippi River Commissioners, in violation of the provisions of the law, closed these breaks at the expense of the Government, and yet the argument is made that the same provision should go back into the pending bill, although it has been proven that it will not work.

Flood control on the Mississippi River is a single problem, and its solution can be secured only by unified treatment. The Federal Government is the only agency capable of doing the job. Every part of the flood-control work is interrelated. What is done downstream affects the river back upstream for miles. What is done upstream may affect the river all the way down. What is done on one bank of the river is certain to affect the opposite bank.

The evidence before the committee showed that Tennessee was dependent in part for its protection upon levees in Kentucky, Arkansas is dependent on works which must be located in Missouri, and Louisiana in turn on levees in Arkansas. If we are to fight the river flood successfully, we must ignore State and local lines, because the river ignores them. We must have a comprehensive plan under unified control and direction. The character and location of the works must be determined by the need of the entire valley and not by the locality where built. Missouri, for instance, does not want a flood way from Birds Point to New Madrid. Arkansas does not want some of its fairest territory turned over to the Boeuf flood way. Louisiana is protesting the use of large areas in the Tensas Basin and Atchafalaya. But the greatest good to the greatest number must be the basis for determining the location of these works and only a Federal agency can make these decisions and, in making them, the agency must be unhampered by local conditions. We would be leaning on a broken crutch if we must depend on local contributions for progress in this work. The local districts are bankrupt as shown by their bonds selling at from 40 to 50 cents on the dollar. If we believe that this job should be done, and should be done before another disaster, then we must decide that the Federal Government is to do it.

The cost should not deter us if we are convinced that the project must be undertaken. "Puffing" is doubtless a legitimate form of argument and there has been much "puffing" of estimated cost. We have been assured by those for and against the present bill that, with the Army engineers executing the work, there will be no waste and no extravagance, and every cent voted will be accounted for. We also ought to have confidence enough in our own Federal courts to know that there will be no hold-up on the purchase of rights of way. The actual values should be paid to the owner, because it is unthinkable that we should take the land of one person in order to protect the property of another. There can be no occasion to fear the results of the condemnation suits that may be brought in the Federal courts and there is no justification for the suggestion of scandal in connection with the acquisition of these rights of way. It will not be a case comparable to juries rendering excessive damages against railroad companies, because in the first place juries will not be used under this law but only appraisers appointed by the judge. The honor and integrity of the Federal judges can not be impugned. Personally, I favor some amendment to the so-called railroad section, but aside from that the bill throws every safeguard possible around the acquisition of the rights of way.

What I fear is not the cost to the Government of the project if we undertake it but rather the cost to the Nation if we fail to undertake it. The tremendous economic waste that has been going on at regular periods will continue with greater disasters in the future if we fail now. This great economic loss will sap the prosperity of our country and strike a staggering blow at our economic welfare. Three hundred and twenty-five million dollars destroyed by floods is that much national wealth gone forever, but \$325,000,000 applied to constructive and preventive flood-control works as an investment will pay our country and all the people handsome dividends in restored confidence and in enlarged national prosperity. The money so expended will not be lost but will merely go from one pocket to another. Men out of employment will be put to work. Industry will be stimulated and the country as a whole greatly benefited. Let us not fear to face this great undertaking with vision, courage, and confidence, and settle it right, so that in years to come the job will not have to be done over again by our children and none will have to apologize for our short-sightedness and lack of vision.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. WILLIAM E. HULL. Mr. Chairman, during the months of May and June, 1927, this country, from Maine to California, was shocked by the terrible disaster caused by the floods in the Mississippi Valley. The sympathy of the Nation went out to the poor people who suffered the loss of their homes and fortune. The Red Cross gathered from all parts of the Nation \$15,000,000 to aid these people. The Congress of the United States is now considering what part this Government shall play in bringing back this great valley to a condition that will allow the people to live safely within its confines.

Long hearings and thousands of suggestions, differing in most every particular, have been presented to the Flood Control Committee. This great mass of evidence has confused everybody in Congress and it is a wonder to me that the committee was able even to write a bill.

The present bill—S. 3740—that is before us is one that has been passed unanimously by the Senate of the United States and has finally been favorably reported by the Flood Control Committee of the House. The bill in some respects is justified and in some respects it is not justified; but on the whole we must accept the fact that the flood of 1927 has destroyed property running into many more millions than the total cost of this flood control will be to the Government, and therefore we must take into consideration at this time what has happened in the past in the way of loss and consider for the future what we must do to protect this great territory from any future disaster of this kind.

It has been my opinion that the Government should pay practically the whole expense of this great project of flood control in the Mississippi Valley. The reason that I make this statement is because I do not believe the people of the South are able to pay any proportionate part of it. I do not believe the Government would have any advantage in making assessments against the property owners of the South, because, if they did, the collection of the amounts due would be almost impossible, and it would be necessary to pass over those who could not pay, which would be an injustice to those who could pay. However, I think the Government should not establish a precedent of going into any one locality and paying the entire bill, and, therefore, it would seem to me that those States in the South who are directly interested in flood control should meet the Government at least part way. They should do what they can toward assisting the Government in building flood ways, spillways, and levees for the protection of the southern part of this Nation.

From a speech that I made January 31, 1928, I quote:

The securing of right of way for spillways and flood ways should devolve upon the State through which the spillway and flood way pass. The State should assume that part of the program to secure either easements or purchase of lands for this purpose so as to relieve the Government of any obligation or damage or future responsibility.

If it becomes necessary to purchase the land the Government should furnish the funds to make the payments and should accept any reimbursements that might come from the resale or the rentals of the land. The States should assume all legal responsibilities. The laws of the States should be so constituted that the minimum purchase price for the land would be accomplished on a basis of the tax valuation of the land. The maintenance and control of the flood ways should be in the hands of the United States Government, but under some conditions it might be equitable to divide the expense between the State and Government.

I have not changed my mind on this proposition, although I intend to support this bill with certain amendments, and I believe that the Southern States should see the advantages that will accrue from carrying out the proposal that I have made, for the following reasons:

It prevents speculation in lands that are to be used or are contiguous to the sections that are to receive the benefits. In other words, if the State assumes this responsibility it will not allow the Government to be subjected to exorbitant prices, that it might be subjected to if the Government is obliged to assume the entire responsibility.

The major portion of these lands where flood ways are to be placed are not particularly valuable lands and the prices should be reasonable.

It should not be the policy of the Government to confiscate a man's property by running water over it without reimbursing the landholder, but, on the other hand, the landholder should not be paid in excess of the true valuation of the property, and the landholders throughout the State who are to be benefited by the flood control of the Mississippi River and its tributaries might well afford to pay a percentage of the cost.

Section 4 reads:

Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed in carrying out the flood-control plan provided for herein, including all property located within the area of the spillways, flood ways, or diversion channels herein provided, and the rights of way thereover, and the flowage rights thereon, and also including all expenditures by persons, corporations, and public-service corporations made necessary to adjust or conform their property, or to relocate same because of the spillways, flood ways, or diversion channels herein provided: *Provided*, That in all cases where the execution of the flood-control plan results in special benefits to any person, or persons, or corporations, municipal or private, or public-service corporations, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

This section is very vicious and might prove very disastrous to the country. The provisions in it would require the Government to pay money for the rebuilding of railroads and other public-service corporations, and if a village should be interrupted by the building of the flood way within its limits the Government would be responsible.

There is now a provision in law whereby citizens may receive just compensation in the courts and that should be sufficient, but to commit the Government to a provision fraught with danger and enormous expenditures from which scandals may accrue would be unreasonable. It might in time reflect back to Congress, and therefore it is my opinion that this section should be eliminated entirely.

And so these several States should come to an agreement with the Government so as not to establish a precedent of putting the entire burden upon the Government. This could easily be arranged by bonds given to the Government for 25 years with a nominal rate of interest and making the interest free for the first five years. By doing this it would not put a hardship upon the States and would not establish so dangerous a precedent as may be established if the Government assumes the entire cost and responsibility.

The local interests in those States have already made an expenditure of approximately \$292,000,000 that has been used in the alluvial valley of the Mississippi River for the protection against floods.

The people of the Nation will approve of the Government allowing credit for this amount and the issuance of bonds for any additional proportionate part of the cost that may be properly charged to the States. They will also approve of the Government furnishing funds regardless of what it costs to build flood-control works that will control.

The flood of 1927 covered a vast area of land—150 miles in width and 300 miles in length. These flood waters were not the overflow directly from the Mississippi River, but was the overflow of its tributaries. The Yazoo, the White, the St. Francis, the Arkansas, the Ohio, the Missouri, and the Illinois Rivers furnished over 50 per cent of the flood waters of the valley. The tributaries, therefore, were more the cause of the tremendous overflow than the Mississippi itself.

In this bill, the Secretary of War, through the Corps of Engineers of the United States Army, is directed to prepare and submit to Congress at the earliest practicable date, projects for flood control on all tributary streams of the Mississippi system subject to destructive flood, which projects shall include these rivers.

In my judgment, this is one of the important sections of the bill. It would be absolutely absurd to try to protect the valley by simply building levees along the Mississippi River. If you

will investigate, you will find that it was the breaks in the Arkansas River that caused the overflow of all southern Arkansas and western Louisiana. You will find that 7 per cent of the flood waters of the Mississippi River come out of the Illinois River. These were the rivers that caused this great flood disaster. And so it is important that these rivers and all tributaries shall be considered in this bill.

It is not necessary that we should immediately make large expenditures on these tributaries and I would not advocate it, but it is necessary that the Government engineers shall make a survey of all of these rivers and that these rivers be put under the jurisdiction of the Mississippi River Commission or their successors, and that these tributaries shall, at the proper time, receive the same consideration as the Mississippi River proper.

The great bugaboo is raised that if we are to take in these tributaries, it will commit the Government to take in the tributaries of the whole Nation. That is not the fact. This bill only takes care of the tributaries that actually caused the flood, and it should be, because if these tributaries are not taken care of, then the flood control would not succeed.

And so I say to the Congress of the United States that from observations that I have made—and I have spent considerable time on this subject—I think that we should not hesitate to bring about a complete flood control of the Mississippi River and its principal tributaries designated in this bill. In doing this we should take into consideration that we are favoring the Nation at large. This great valley, through which the Mississippi River and the tributaries flow, is the bread basket of the Nation. It furnishes the food for all parts of the country. It is inhabited by a population who have made their living by the sweat of their brow. The farmer who tills the soil must be protected; he must know that his family will not be deluged by the swift waters that are sure to engulf him unless this protection is given, and I for one, coming from the central part of the country, realizing as I do the great dangers that exist along these rivers, am here to advocate a bill that will protect the people that live in this valley.

Along the Illinois River, where I reside, the farmer has suffered intensely for the past two years; his farms have been inundated for 18 months continually; he has been unable to raise a crop now for two successive years; he is practically broke; he bides the time when the Government will come to his aid; he does not ask the Government to pay the entire expense, and it is not the money that he craves; it is the protection that he wants.

Rivers that flow through the valley where there is no organization to say what should be done with them are in deep distress, and therefore every one of these tributaries, including the Illinois River, should be put strictly under the jurisdiction of the Government with full power to devise ways and means to protect the lands and citizens along the river.

I would not advocate at this time that the Government pay the entire expense of the protection of the tributaries of the Mississippi River, but that the farmer and the landholder should in those cases pay his percentage, namely, two-thirds by the Government and one-third by the land holder; but I do say that the Government should have jurisdiction over the tributary river and should bear the expense of the main channel of the river.

In conclusion, I would suggest that the Congress of the United States should determine a policy that would recognize the obligation of the Federal Government to assume and perform the task of flood control of the Mississippi River and its tributaries. The work should be done promptly and properly; the entire force of the Government engineers should be put to work and no time should be wasted in working out a plan to safeguard the people of the Mississippi Valley so that their families and property may be free from future danger. [Applause.]

Mr. COX. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I desire in opening to state a few rules of law, consideration of which is pertinent to the issue before the House, and which I shall undertake to apply to the case as I proceed.

A local assessment made on the theory of benefits is an enforced involuntary charge imposed by competent political authority to raise funds to pay for part or all of an improvement of a public character which confers a special benefit upon certain property.

The power of levying a local assessment is distinguishable from our general idea of a tax, but owes its origin to the same source or power.

In other words, an assessment is an enforced contribution for a public object; it is a public tax in the sense that it is levied for a public object; it is a local tax in the sense that it is limited to a certain locality. It differs from ordinary public taxes in that it is not levied upon the polls and estates within

a municipality or a district in respect of public or common benefits, but upon particular lands in respect of a particular benefit received by them from the execution of a public object.

In the ordinary sense, a tax is levied to meet the general expense of government, while an assessment is levied to meet cost of public improvements resulting in special benefit.

A tax is a recurring charge, while an assessment is levied occasionally.

In theory the individual who pays a tax is left poorer by reason thereof, while in theory payment of an assessment does not leave the owner of the property assessed any the poorer. He is fully compensated by the special benefits conferred upon him by the improvement.

If a charge is laid against all the property within the limits of some political unit such as city, county, and the like, and if the charge is made in proportion to the valuation of the property upon which it is levied, such an exaction is held to be a tax, and not an assessment. However, if the exaction is levied upon property in such district in proportion to the benefits conferred by an improvement, such form of exaction is regarded as a local assessment, being not of the form of a general tax.

A general benefit is one which is supposed to flow to the general public from a public improvement. While a special benefit is one which enures to certain specific property in a manner different from that in which the general neighborhood is benefited and which operates to increase the value of such property.

Whether a benefit is general because there is so much other property which shares in it, or whether it is special because there is so much other property which does not share in it, is a question somewhat difficult to determine.

The theory underlying the doctrine of assessments for benefits is that the special benefits conferred on the owner of property more than compensate him for the amount of the assessment which he is obliged to pay. The fundamental principles of such special taxation is that it shall be measured by the special benefit.

The assessment is made solely on the ground of benefits conferred.

It is a local assessment imposed occasionally, or required, upon a limited class of persons interested in a local improvement who are assessed to be benefited by the improvement to the extent of the assessment, and it is imposed and collected as an equivalent for the benefit and to pay for the improvement.

Assessments for local improvements can be justified only upon the theory that the lands upon which they are laid are specially benefited by the improvements for which they are laid, and hence ought to bear the burden rather than property generally; and if a law should authorize such assessments to be laid without reference to benefits it would either take property for public good without compensation or it would take property from one person for the benefit of another.

This, in effect, Mr. Chairman, has been the uniform holding of all the courts of last resort of the several States affected. It is pertinent to this discussion, and particularly to that part of the argument of the gentleman from Wisconsin [Mr. FREAR] and the gentleman from Iowa [Mr. KOPP], members of the committee reporting the bill, who make the point that the bill is bad because if enacted into law it will result in special benefits flowing to large land holders living in other sections of the country.

Mr. FREAR. Will the gentleman yield?

Mr. COX. I yield.

Mr. FREAR. That is very kind and considerate, and I appreciate it. Does the gentleman contend that the last provision in this bill which requires the State of California to contribute one-third to the Sacramento project, and the people of that district another one-third, and the Government only one-third, is unjust, and does the gentleman contend that the law that has been in existence for 10 years with respect to the Mississippi River has been illegal or unconstitutional?

Mr. COX. Mr. Chairman, I am not speaking to the Sacramento section of this bill. That which is proposed in that section of the bill is in full satisfaction of the demands of the people of the Sacramento region in the State of California, and I wonder if the gentleman analogizes the Sacramento to the Mississippi to his entire satisfaction. To me, Mr. Chairman, there is a broad distinction, and the two problems must be treated differently.

Mr. FREAR. Then, if that be true, may I ask the gentleman—

Mr. COX. If the gentleman will permit—well, go ahead, sir.

Mr. FREAR. I was just going to say that for the last 10 years the Mississippi River section has made its contribution under the law; what has the gentleman to say about that?

Mr. COX. Mr. Chairman, the gentleman well knows that the witnesses that he has vouched into this court of the country, and upon whose partisan testimony he bases his entire cause in opposition to the bill, stated before the committee of which he is a member that the burden heretofore imposed upon the people of the valley was excessive and therefore unjustifiable, and in recognition of that fact the Chief of Engineers has proposed to reduce the contribution that should be required of the valley from 33½ per cent of the costs, as heretofore required under the law, to 20 per cent, and has indicated a willingness to reduce the amount to even less than 20 per cent.

Mr. FREAR. Will the gentleman yield for one more question?

Mr. COX. I can not discuss the matter with the gentleman all day.

Mr. FREAR. The principle is the same whether it is 33 per cent or 20 per cent.

Mr. COX. I submit, Mr. Chairman, that if in this case the proponents of this legislation shall be able to point out irreconcilable conflict in the testimony of witnesses upon the accuracy of whose testimony the opposition have built their case, then the proponents in the light of all the other evidence in the record will be adjudged with having carried the burden that they assumed.

I do not understand that the gentleman of the opposition takes issue with me on the accuracy of the principles of law which I have stated. The opposition have said in effect that this legislation will confer a great benefit upon the people who transgressed upon the natural flowage rights of the river; that the river was in existence when the people settled there; and that this is a reclamation project proposed to be carried on for the special benefit of the people who live near the river from its source to where it empties into the Gulf.

If permitted at this time, I should like in reply to this argument to quote from what I think is quite respectable authority, that is, from a decision of the Supreme Court of the United States found in volume 241 of the Supreme Court Reports, page 368, a decision rendered by Mr. Chief Justice White, one of the most distinguished jurists ever occupying that high position:

Indeed, from the face of the bill, it is apparent that the rights relied upon were assumed to exist upon the theory that the valley through which the river travels, in all its length and vast expanse, with its great population, its farms, its villages, its towns, its cities, its schools, its colleges, its universities, its manufactories, its network of railroads, some of them transcontinental, are virtually to be considered from a legal point of view as constituting merely the high-water bed of the river, and therefore subject, without any power to protect, to be submitted to the destruction resulting from the overflow by the river of its natural banks.

And, Mr. Chairman, that is the test in this case. If this House finds the execution of the project as proposed is an act of preservation and not primarily one of reclamation, then the responsibility and the full responsibility is upon the Government.

The court further said:

In fact, the nature of the assumption upon which the argument rests is shown by the contention that the building of the levees under the circumstances disclosed was a work not of preservation but of reclamation—that is, a work not to keep the water within the bed of the river for the purpose of preventing destruction to the valley lying beyond its bed and banks, but to reclaim all the vast area of the valley from the peril to which it was subjected by being situated in the high-water bed of the river. If it were necessary to say anything more to demonstrate the unsoundness of this view, it would suffice to point out that the assumption is wholly irreconcilable with the settlement and development of the valley of the river; that it is at war with the action of all the State governments having authority over the territory and is a complete denial of the legislative reasons which necessarily were involved in the action of Congress creating the Mississippi River Commission and appropriating millions of dollars to improve the river by building levees along the banks in order to confine the waters of the river within its natural banks, and by increasing the volume of water to improve the navigable capacity of the river.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. COX. With pleasure.

Mr. McKEOWN. The court in one of these cases finally held that the United States was not liable in damages.

Mr. COX. Of course; and I want to say that the provisions in section 4 of the bill were written, I dare say, for the purpose—and although I do not agree with some of the provisions of section 4 and opposed them, and shall further urge my objections in detail when we reach the bill under the five-minute rule—of taking the property out of the class that is

mentioned in the cases of Jackson and Hume and others, where the property in question was clearly and admittedly destroyed under circumstances where the owner had no right of relief. The fact that it was taken in the name of progress and in behalf of navigation and by the United States with plenary powers was held to be a complete answer to demand for compensation.

While I appear in opposition to this bill, I do so as the friend of flood control interested in the enactment of legislation that meets the responsibility which rests upon the Government fully and completely. The bill under consideration I do not think does this in the fullest sense. I appear not as one antagonistic to the proposition that the flood waters of the Mississippi should be controlled, not as an enemy of the valley of the Mississippi, but as an advocate of the cause of a stricken people. I come from a State that is not affected by the floods, and that is wholly without the influence of their immediate effects. I come as one who has given some study to the question, and who has been brought to the conclusion, fixed, definite, and absolute, that, as the gentleman from New York [Mr. DAVENPORT] has said, as the gentleman from Iowa [Mr. COLE] has said, as the President of the United States has said, as the star witness for the opposition, General Jadwin, has said, this is in all respects a national problem. Mr. Chairman, if the river be a national asset, if the control of its waters be a national responsibility, and the control of the waters is the question under discussion, then it is a national liability, and the Government does not measure up to the responsibility that it confessedly says is upon it, when it fails to control the waters without undertaking to force contributions from the people of the valley who are already worn to the bone in an uneven contest for existence.

It is needless for me to undertake to give you a historical review of the floods of the Mississippi River. This has been too brilliantly recited by men who live under the very menace of the stream itself. Everyone knows that in consequence of the great calamity which befell the people of the valley a year ago there was a demand from all sections of the Nation that the Congress be assembled and that it undertake to give immediate relief.

Congress did not assemble, and I applaud the President for his wisdom in not calling it into extraordinary session at that time. A month before the Congress did convene, the chairman of the Flood Control Committee assembled his committee here in Washington and took up the consideration of this cause. That committee has labored diligently and has done the best it could. It has endeavored to arrive at a proper conclusion. It did arrive at a conclusion. The majority opinion of the committee as to what would constitute a project that would solve this problem was set forth in the report of the majority of the committee on the Reid bill, and was filed by the chairman on behalf of the committee. Mr. Chairman, I pause here long enough to say that, if this bill is enacted into law, the man who should have the right to claim the greatest credit for its enactment is the distinguished chairman of the Committee on Flood Control of this House—a genius, an indefatigable worker; and may it be said to his glory, Mr. Chairman, one who has stood for the declaration of a new policy on the part of the Government with respect to the question of internal improvements. [Applause.]

What is the cause of the floods of the Mississippi River? Again I quote from the Chief of Engineers of the Army. He said in effect that floods result from the constriction of the river channel by the construction of levees and from the improved drainage systems, which mark the progress of civilization in the outstretches of the country. That is the record of the Chief of Engineers made upon the question of the causes of the flood. The people in the valley are not alone to blame for the construction of levees. As a general proposition they did enter upon levee construction as a defensive measure, and they prosecuted it to considerable extent until 1879, when the Congress created the Mississippi River Commission. That commission entered upon a study of the question of the control of the waters of the Mississippi and reported in 1883. Legislation was then enacted which resulted in the adoption of a plan of control.

This legislation regarded the preservation of navigation as peculiarly a national problem; the navigability of the river was to be protected and improved; and it was determined that it could be improved only by the building of a system of levees from Cairo to the Gulf. The Government agents, having adopted that theory, went along and took over the levees that had been constructed at intervals up and down the river, and proceeded to improve them by widening them at their base and increasing their heights. So, Mr. Chairman, the idea was to confine the water. More than that, the Government's agents sealed all of the natural outlets of the river and further in-

creased the levees for the purpose of further restricting the waters, thereby increasing their volume and velocity. It is true that local interests participated. They had to participate. There was no alternative. The very proposal of the Government was put in such form that if they did not contribute, if they did not participate, the Government, upon whom the responsibility of control rested, would refuse to exercise it and let them drown. And that is the proposal that the gentleman from Iowa [Mr. Kopp] and the gentleman from Wisconsin [Mr. Frear] now make to this House.

Mr. FREAR. Mr. Chairman, will the gentleman yield? That is a serious arraignment.

Mr. COX. I yield.

Mr. FREAR. I put in the Record yesterday from the Chief of Engineers a complete statement of what will happen in case they refuse to contribute, and showing where they will not in any way be in danger.

Mr. COX. Mr. Chairman, the gentleman does not have to go further than the report made by the Chief of Engineers, and if that is not entirely satisfactory to him, then I invite him to a study of the report of the Mississippi River Commission. If that be not convincing, then I refer him to the testimony of General Jadwin given before the committee, when he said in effect that as a result of the plan of enforcing local contributions the work of flood control had failed in many particulars and on many occasions.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. COX. I can not yield now. In talking about the participation by the valley, about the responsibility which General Jadwin and the President said should be imposed, the gentleman knows that the witnesses appearing before the committee professing to know anything about the conditions in the valley and knowing anything about the fiscal affairs of the various levee districts all testified with unanimity that the districts have already exercised their taxing power in most instances to the limit; most of them have not only defaulted in the payment of the State and county taxes, but most of them have also defaulted in meeting the interest charges on the bonds; and in many instances, Mr. Chairman, these levee districts, which the gentleman would have you believe are so well able to respond to this demand, have fixed charges in the nature of tax assessments and mortgage liens outstanding against them far in excess of the appraised value of the property of the several districts involved.

They say, Mr. Chairman, they admit, that control must be effective. They say that no such calamity as that which happened a year ago should be permitted to occur again; that the Nation can not permit such a calamity to happen again; and yet, Mr. Chairman, if we should judge to-morrow by yesterday, the proposal which they make means no activity on the part of the Government, because their proposal is that the old system heretofore followed under the law, which has admittedly proven a failure, shall continue under the new legislation.

Why, Mr. Chairman, if the gentlemen deep down in their hearts are interested in the protection of the valley, and feel that the Government should participate, they should be frank and candid enough with this House, that expects the members of the committee to bring the unvarnished facts, and should state what the conditions are, and what the experience of the agency that conducted this work heretofore has been.

Mr. Chairman, they say that the Jadwin plan or the plan of Army engineers, meaning, Mr. Chairman, the Chief of Engineers of the Army, ought to have full jurisdiction of this entire matter or the execution of whatever project is decided upon. I can think of nothing, Mr. Chairman, that will be more unfortunate for the people of the valley than for General Jadwin to be the executive officer, administering the law if it is passed, except to enact no legislation whatever.

Mr. DENISON. Mr. Chairman, will the gentleman yield? I can tell the gentleman something that will be more unfortunate, and that is to have a politician in there; and that is what we will get if we do not put it in the hands of an engineer.

Mr. COX. Mr. Chairman, the gentleman has taken issue with me on the statement that the Chief of Engineers should not be in complete charge. Let me refer to the record. The testimony in this case of all the engineers appearing before the committee, except those under the dominion of the Chief of Engineers, has condemned his plan, and therefore the proposal in the bill is that there shall be an impartial review. The Chief of Engineers objects to any review whatsoever.

I quote from the CONGRESSIONAL RECORD of January 4 last, as follows:

I have heard that there is propaganda on the part of some to establish a commission to prepare a plan for the flood control of the lower

Mississippi, and I understand that they count on putting on that commission some very good men, some very good engineers, but these men are not experienced in the Mississippi Valley. We have counseled, we have had the advantage of the advice of all men who had experience in the last 30 or 40 years on the protection of the Mississippi Valley, Army engineers, civilians; we have had the advice of the levee board engineers; and we have had public hearings and have gotten the views of everybody practically who knows anything really at present about this subject. These men who are going on this commission, if it is appointed, may be good men, but it is going to take them a long time to get to know anything nearly as much about this subject as is known by the men who have worked up this project.

I venture the prediction that if these new men work 10 years on this project they can not get as good a plan as the one that I have presented to you here to-day, unless they recommend the same plan.

The CHAIRMAN. The gentleman has consumed 35 minutes. Mr. COX. I will take 20 minutes more.

The CHAIRMAN. The gentleman from Georgia is recognized for 20 additional minutes.

Mr. COX. I cite the gentleman to an editorial, and I ask the attention of the gentleman, if you please. I cite to the gentleman an editorial appearing in the Engineering News Record under date of March 8, 1928. I shall not take the time to read the editorial, but this is one that appears in a publication that represents the great engineering associations of this country, and it condemns the plan proposed by the general in this case:

The share of blame resting on the executive department of the Government is too weighty to be overlooked. A plan and an estimate worked out by that department were presented for decision by Congress—to be taken or left, for no alternative was submitted. But they are such as would inevitably be rejected by any authority charged with deciding on their adoption. The estimate of cost confessedly includes only a fraction of the expense, and even as to the admitted fraction it is under gravest suspicion of inadequacy. * * * Moreover, with the cost altogether disregarded, there remain fundamental doubts as to the technical soundness and efficacy of the plans—doubts clearly expressed by many engineers outside of Government circles, and clearly enough realized by Members of Congress. The New Madrid flood way, shallow diversion channels a dozen miles wide, the sufficiency of which was merely guessed at, reliance on the haphazard crevasse formation to relieve an overburdened channel, levees flowing within a foot of the top in a great emergency, such elements of the plan utterly failed to engage that confidence vital to the undertaking of the great enterprise. That this should be the case is a serious reflection, indeed, on the governmental authorities responsible.

They say that the War College ought to be turning out a great many more engineers than it is doing. In other words, they proceed upon the idea that it is only the War College of the country that can turn out capable and eminent engineers. I want to remind those who hold that view that the War College is but a preparatory school. I measure my words. It is but a preparatory school. The real engineering institutions are the Massachusetts Institute of Technology, the Sheffield Scientific School at New Haven, Conn., the Van Rensselaer Polytechnic Institute at Troy, N. Y., Lehigh of Pennsylvania, Purdue of Indiana, and Cornell University, and others.

They say that the Chief of Engineers is infallible. The Chief of Engineers, when he came before the committee, said that his plans could be executed for \$296,400,000 plus the cost of rights of way and damages, which he intimated would not amount to a great deal. At that time in his endeavor to indicate the leniency with which he purported to treat the stricken people of the valley, he said—I quote from his report, page 12, paragraph 42—as follows:

42. While \$37,440,000 is small in comparison with the amount to be spent by the United States and with the amounts already spent by the people of the valley, it must be remembered that these people still owe considerable sums on their bonds on which the money spent was raised. Some of the levee districts are also near the limit of their bonding power under present State law and also near the limit of their credit.

So, Mr. Chairman, we take the Chief of Engineers as he appeared four months ago at the time of the presentation of his report. I know how some people were shocked when one assumed to question the Chief of Engineers of the Army, but when he appeared before this committee, Mr. Chairman, his position was that he wanted to be lenient with the stricken people of the valley, and therefore he had made the burden light by changing the amount of contribution from a third to a fifth. Take his findings. Take the testimony appearing in this case, where he gave an estimate of a supposedly middle course, on the result of the investigation as to the cost of the rights of way, as to the damages, as to all other things which in his first proposal would be put upon local interests, and you will find

that it is inconsequential in comparison with that which he now says those conditions represent since the proposal in this bill that the Government shall pay.

Let me say to this Congress that the cost of this plan, 60 days, 90 days, or 4 months ago was no greater than it is to-day. The distinguished leader of the dissenters of the committee on this bill has referred to an address published in the RECORD of several days ago under the heading of extension of remarks. He has referred to it with evident pride. In that statement it appeared he had called upon this same Army engineer to furnish him with what? To furnish him with material with which he might destroy this bill, his child, because he did join in the combination that resulted in the reporting of the bill. Not only did he join, but the gentleman from Iowa, largely responsible for this measure being brought before you, now appears before the House and says, in effect:

Although the bill comes to you under my leadership, the bill is unworthy of your support, and I here and now in your presence assault it.

Mr. FREAR. May I inquire of the gentleman just what he means by that statement? I do not understand that.

Mr. SCHAFER. Will the gentleman yield?

Mr. COX. Yes; I yield.

Mr. SCHAFER. The gentleman himself is not in favor of every provision of this bill?

Mr. COX. Oh, no; and I did not vote for its reporting, either.

Mr. FREAR. I voted for the report but not for the bill.

Mr. COX. I understand.

Mr. FREAR. May I ask the gentleman what he refers to in my extended remarks?

Mr. COX. I refer to the statement that the gentleman makes as to the cost, and this is the point. If the gentleman was advised four months ago, he owed it to the committee and to the country at that time to give an estimate of the cost that would be imposed upon local interests. The gentleman stated here in effect, Mr. Chairman:

Under the data given by the Chief of Engineers the cost of the execution of the plan of the Chief of Engineers—

Which he was so strongly in favor of at the beginning of the investigation but which he now opposes—

the cost of the execution of the plan of the Chief of Engineers will be \$999,800,000.

Yet the Chief of Engineers purported to make the burden lighter. His proposal in the beginning was that of the \$296,400,000, \$259,000,000 should be paid by the Government; and, mark you, Mr. Chairman, that was not the sum that went to flood control but only what was left after the deduction of \$111,000,000 which went to revetment and mapping. Revetment is necessary to control, but it is not an emergency measure, and there is a condition in the valley that calls for emergency treatment, Mr. Chairman, and the whole country knows it.

According to General Jadwin of a week ago, or whenever this report was furnished, the cost to local interests would be \$740,800,000. Gentlemen, that is your witness. That is what General Jadwin now says, or what he said a week ago, that the local interests should be compelled to do, and if it is not, I ask the distinguished leader of the opposition to now make declaration as to what it does show.

This is not all, Mr. Chairman, and I am sorry time does not permit me to go into a minute discussion of this question. The opposition to this legislation is given support by a distinguished gentleman who came here at the beginning of the hearing on the part of this committee, presumably favoring flood control. At the instance of the Representatives of the State from which he came most favorable consideration was shown him by the committee. We thought he came as a friend of all the people of all parts of the country that were subjected to the floods of their rivers. We find now, however, Mr. Chairman, that he has joined the opposition and is snoop-ing around this Congress earwigging this one and that one, conferring with the Chief of Engineers, holding interviews with the President, and furnishing them with ammunition to fight this proposal in every way possible.

I want to show you, gentlemen, what an indictment he lodges against the Chief of Engineers and against the President of the United States.

I want to say here with reference to the President, that while I do not believe he holds the high office of Chief Executive of the country by divine appointment, I do believe, Mr. Chairman, he is a man who is essentially honest, and that no one holds the confidence of the people of this country any

more securely than does the President of the United States. [Applause.]

Mr. Chairman, if you will not do me the unkindness to infer that I mean something unfavorable to him, the President of the United States is being dreadfully and unmercifully imposed upon by his advisers upon this particular question.

In a recent interview between Mr. Blake, of Oklahoma, and the President—who else was present I do not know—Mr. Blake furnished the President with a brief he had submitted upon this whole question; and later the Chief of Engineers was called into conference, when a full discussion under the brief was had as between General Jadwin, the President, and Mr. Blake, of Oklahoma. And this is what Mr. Blake said in his brief:

It is apparent that the General Jadwin plan is an expensive plan to somebody, as no calculation, even by its sponsors, brings its cost under \$1,000,000,000, and many figure it at \$1,500,000,000; some even higher.

Mark you, gentlemen, quoting further:

General Jadwin and the President contemplated \$259,000,000 on the Government and the remainder on the community.

That is not all. Another estimate of the cost of the execution of the Jadwin plan is \$1,850,928,000 according to the same brief. Quoting further:

General Jadwin expected all this except \$259,000,000 to be borne by individuals.

In other words, deducting the amount the Government is to pay, it will be a charge of more than \$1,600,000,000 upon local communities. Now, gentlemen, if the division of cost of 1 to 5 is correct then \$1,600,000,000 is 5 per cent of \$8,000,000,000. That would be the cost to the Government under the Jadwin plan, as Mr. Blake contends, because that is the thought running through the whole discussion of the problem, as presented in the brief. As I say, according to that estimate local interests would contribute \$1,600,000,000, whereas the Government would pay \$259,000,000.

Now, gentlemen, I must hurry on, and I can not cover the case. I want to call your attention to this one phase. You hear a good deal said by all the gentlemen appearing in opposition about the great lumber interests benefiting and the large landholders who are to profit as the result of the execution of this project. But let me make this observation to you: If the Government finds it is necessary to acquire land in the valley the Government is not going to pay ten times its value, as contended by the gentleman from Wisconsin [Mr. FREAR]. The Government can be charged with only the actual market value of the land. You may find, gentlemen, that in some instances it is a forced sale on the part of the landholders in order that these plans may be executed, and that they will be forced to part with their title. Well, what is the result of such a transaction? The landholder is made no richer. His interest is simply represented by cash in hand whereas before it was represented by land. The Government is out nothing. The Government is just as rich after the transaction is consummated as before. The Government acquires the title to the land and gets the land in exchange for cash. So, gentlemen, the argument that somebody is going to be enriched should have no standing in this consideration.

I know the question runs through the minds of many here as to what it is proposed to do with the tributaries of this country. I know, Mr. Chairman, the trouble resulting from floods and I know that trouble is not wholly confined to the people of the Mississippi Valley; that is, to the people of the alluvial valley. I know there are localities elsewhere, many of them, where the control problems are difficult and where the menace may be as great as in the Mississippi Valley.

So far as I am concerned, Mr. Chairman, I do not think we should permit ourselves to be checked in a determination to meet the responsibility that is upon us with reference to the Mississippi because of a fear that the tributaries will be coming here later and demanding like treatment. Let me say to the Congress that I am willing that the tributaries shall receive the same consideration as is extended to the Mississippi, determining each and every case upon its merits.

The Mississippi presents a national problem as no other stream in the world does. If the proposition is to go there and spend this money in order to confer some special favor upon the people, then the Government is engaged in an enterprise in which it has no business and it should retire, but if the preservation of the stream be necessary for the security of the national welfare, in whatever manner it may be affected, then there is not only justification for the Government giving full and special treatment but there is a responsibility to give immediate consideration.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. COX. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining. The gentleman has consumed 1 hour and 10 minutes.

Mr. COX. Mr. Chairman, not only is the question of commerce affected by the navigability of a stream but commerce is injuriously affected by the result of overflows and in many other respects. There is the question of transportation of the mail, passenger transportation, telegraphic and telephonic communication. In addition, when three-quarters of a million people are turned out of their homes, and their property laid waste, then their power of production is stopped as well as their power to consume and purchase, and that has a material and injurious effect upon the commerce of the country.

Mr. Chairman, I shall expect some other speakers to develop this particular phase of the question, in which I am more interested than any other, but I have been too late in coming to it.

You stress doing something for the valley and therefore for the country, yet certain of you oppose this legislation unless the execution of the project be put under the jurisdiction of the Chief of Engineers. I want to say that if you pass legislation carrying into effect the economic recommendations of the Chief of Engineers, that if you put the execution of flood-control plans under him, you will fill with mortal terror the people of the valley and destroy their confidence in the conservation of their rights at the hands of the Congress. [Applause.]

Mr. FREAR. Mr. Chairman, I yield five minutes to myself. My distinguished friend from Georgia mentioned a meeting recently held between the engineers, Mr. Blake and General Jadwin, and some other people who were present, and if I gathered correctly he stated as a final instance that if 20 per cent of the general levee and control work was levied on the people it would reach something over a billion dollars, according to Engineers Blake and Jadwin. There is some mistake as to the meeting that occurred between General Jadwin and Mr. Blake, because the President in a message, speaking of the Jadwin plan, said:

On the basis suggested, the total construction costs would be divided as follows: Total, \$258,960,000; 20 per cent by local interests, \$37,440,000.

Mr. COX. Will the gentleman permit me to make a statement?

Mr. FREAR. Certainly.

Mr. COX. I do not want the gentleman to put words in my mouth that I did not use, and I do not think the gentleman intends to do so.

Mr. FREAR. I certainly did not.

Mr. COX. I made no statement that any definite conclusion was reached as the result of any conversation between Mr. Blake and General Jadwin.

Mr. FREAR. Did not the gentleman from Georgia say, or did he not mean to be understood, that over a billion dollars was to be placed on the local interests under the Jadwin plan?

Mr. COX. I said that Mr. Blake, in the brief furnished the President, made the statement that the Jadwin plan would cost \$1,800,000,000, and in another instance he said it would cost more than a billion. Now, if the participation of the Government is to be limited to \$259,000,000, it is a mere matter of calculation—

Mr. FREAR. That is what I understood the gentleman to charge, when here is the statement by the President's message of only \$36,840,000 local contribution.

Mr. COX. Did not the gentleman say in the speech which he put in the Record a few days ago that the entire cost of the execution of the plan would be \$999,800,000? Now, if you deduct the \$259,000,000, you will find what the General Jadwin plan would cost local interests.

Mr. FREAR. Oh, the gentleman did not read the speech understandingly. In the speech I gave the different estimates furnished by the engineers. I appreciate the gentleman's excellent judgment in selecting the Engineering News-Record of March for authority, but he ought to have selected the Engineering News-Record of April. Let me read from the April number. This is an editorial:

Precipitate legislation on a momentous question, as represented in the Senate's passage of the Jones flood control bill, can not invite either public or engineering approval. Its political background is obvious. * * *

If the Senate's action gives warning that Congress is simply playing politics in the flood issue and is evading a direct answer to the problem of Mississippi flood control, constructive thinking on the subject becomes the personal obligation of the citizen. Let us therefore inquire what line of action gives real promise. * * *

Now, I want to say that long before the gentleman from Georgia entered Congress—and he is now an estimable Member—10 years ago I voted for this very protection giving two-thirds of all flood-control payments on the Mississippi incurred by the Government to the people down there in the valley. They have only contributed one-third of the costs. We do insist that justice shall be done the taxpayers of the country under the bill. Here is the difficulty: The gentleman from Georgia says that some interests can not pay. We admit it, and we provide an amendment for Government loans to those who can not pay. I expect to offer an amendment to that end. If they can not do that we are going to place in the hands of the Secretary of War, if you accept another amendment, the right to exempt from contribution where necessary for the entire work. Those who can pay ought to pay, and those who can not do so at this time ought to be willing to take a loan from the Government, and the Government ought to loan it to them. If they can not do that because of conditions named we will exempt them. What can be fairer than that in any business proposition?

Mr. REID of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. REID of Illinois. The figure \$37,000,000 which the gentleman just read does not include the rights of way.

Mr. FREAR. Twenty per cent by local interests. This is all the Jadwin plan contemplates—on page 11—20 per cent of general levee and control work, \$36,840,000; 50 per cent of special protection works, \$600,000; total, \$37,440,000.

Mr. REID of Illinois. Read what comes next:

The local interests are also expected under the project to furnish rights of way and protect the United States against charges for flowage easements and damages.

Mr. FREAR. Unquestionably.

Mr. REID of Illinois. Then the Jadwin plan costs somebody under Mr. Locke's figures, or the gentleman's figures, either the Government or the local interests, a billion dollars.

Mr. FREAR. Fine! Now we have our friends admitting that the flood ways are going to cost the Government \$1,000,000,000. I have not contended it would reach half that figure.

I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, unlike my colleague from my State, Mr. DAVENPORT, who said that he was far removed from the flooded area, I say to you that the people I represent do not consider themselves distant from the flooded area. With us it is not a sectional matter. Wherever there is a national calamity, wherever there is suffering, there you will find the back of New York. I do not believe it is necessary for the sponsors of this bill to review and recite the details of the result of the flood. We are agreed on what happened. There is a unanimity of desire in this House to bring about permanent relief. It would be most helpful, I would say, if the sponsors of the bill would explain three points to clarify the provisions of the bill—first, the engineering plan; second, the question of national policy in dealing with a subject of this kind; and, third, the financial details.

Mr. Chairman, if this bill would bring permanent relief to the people of the Mississippi Valley from flood problems, I would shut my eyes and vote for it, no matter what you had in it. There are some of us who consider the engineering plan both crude and primitive, and that being so this bill, I believe, will not permanently solve the problem. The same problem will be back in the House within 10 years. Therefore, the real friends of relief desire to eliminate from the bill every possible danger of a national scandal. I for one do not desire to prejudice relief in the future by what I fear will happen under this bill. Only a week ago to-day the Committee on Agriculture had its Calendar Wednesday, and if you remember we had a little bill here providing for a bird sanctuary up in Minnesota, authorized by Congress over a year ago, providing for the taking of land at \$5 an acre; and yet they were here just a week ago to increase the allowance to ten or fifteen dollars because the price of that swamp land had gone up immediately after the law was passed. Can you imagine what will happen to the lands involved in this project? Can we not guard against any such thing taking place? I do not go as far as my colleague from Wisconsin in demanding local contribution. I am not insistent on that. I do not believe that the Federal Government ought to take the attitude of passing the hat around. All I ask the sponsors of this bill to do is to protect it against the inevitable land grab that is now in preparation and ready to move upon the works the minute the bill becomes a law. Rather than a direct system of local assessment on the part of the Federal

Government on the area of benefit, rather than a direct relation between the Federal Government and the owners of the land immediately affected, why can not we arrange a plan between the States interested and the Federal Government? I shall suggest at the proper time a plan whereby the 18,000,000 acres in the area of benefit in the various States could pay for the 3,000,000 acres necessary for flood ways and spillways in accordance with the plan in the bill. Let each State affected contribute the amount necessary to pay for the spillways and flood ways in proportion to the acreage within the State directly benefited.

It will amount to only a few million dollars if the estimated value given by the sponsors of the bill on the land to be taken for spillways and flood ways is correct. The States would furnish the land necessary for the spillways and the flood ways and the United States Government would bear the cost of construction and carrying out the flood-control plan.

The question of flood is not new. Man has had to grapple with it from the beginning of the world. The greatest engineer on the subject lived 2,000 years ago—Lo Ping, of China. They solved the problem there in one instance, and no engineering skill to-day can improve upon the principle which he laid down: "Shen tao t'an, ti tso yen"—"dig the bed deep, keep the banks low." We have spent millions and millions in building levees, and each year the levee is higher and higher, so that now you have the Mississippi River 14 or 15 feet above the level of the city of New Orleans. We have the resources and surely we have sufficient engineering genius to solve this problem constructively and permanently. We can not work out the engineering details here. That is not our function. I think we must work out a satisfactory bill which will provide real flood relief, absolutely graft proof, and void of land speculation.

The gentleman from Nebraska [Mr. SHALENBARGER] made a splendid speech here this morning. Imagine, as he pointed out, in this day and age, permitting this tremendous power to go to waste! Instead of permitting these millions of horsepower of energy to be a constant danger to the inhabitants of the valley, we could harness it so as to make it a blessing to that region. Why do we not provide in this very bill for the damming of waters at various points of the river and its tributary? Why do we not control the flow and keep it under control, utilizing at the same time this water power for generating electricity?

The minute you do that you step on the toes of the dam and power trust of this country, which apparently is sufficiently powerful to influence the action of this House, and you know it. [Applause.] If you utilize those millions of horsepower in a series of reservoirs along the tributaries of this river and then follow the fundamental principles providing for a deep river bed and low banks, as laid down by the Chinese engineers 2,000 years ago, we shall have solved this problem permanently.

Gentlemen, this bill is important. There is not a great deal of difference between the opponents of the bill and its sponsors. Let us not permit this bill so to leave this House as to bring back another 26-page veto upon it as we received on another bill some time ago. Let us not furnish the justification for a veto. We want to bring about flood relief and we must get together.

There are sufficient friends of this bill here who will support it if you will simply surround it with the protection that I have mentioned before, and that is to have the States furnish the land necessary for the spillways and flood ways. It will then come under local condemnation and be safeguarded by local interests. The cost of the estimated 3,000,000 acres required can not be very much. In comparison with the 19,000,000 acres benefited it is very little indeed.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. ASWELL. Congress in all has appropriated nearly \$200,000,000 for the improvement of the harbor of New York. Does the gentleman favor that without State participation?

Mr. LA GUARDIA. New York has contributed hundreds of millions of dollars for harbor improvements.

Mr. ASWELL. But Congress has appropriated \$200,000,000 to New York without local contributions.

Mr. LA GUARDIA. I will say to the gentleman from Louisiana that we do not ask that you contribute even in the same proportion as New York does in harbor improvement. I concede that this is a national problem. I concede that it is the duty of the Government to make provision to prevent another flood. But I say that the States that will derive the most benefit should at least furnish the land needed. It will take away from this legislation its land-grabbing feature and will remove the prejudice against the idea of the United States Government going into a project of this kind in the future.

Mr. ASWELL. There has been no prejudice manifested, except in the propaganda and demagoging that has been handed out in the last few days.

Mr. LA GUARDIA. If the gentleman feels that way—

Mr. ASWELL. The gentleman from Wisconsin [Mr. FREAR] and others have done that.

Mr. LA GUARDIA. Does the gentleman think this vast potential power should go to waste because the mighty water-power propaganda has intervened? That is the kind of propaganda that has gone out and that is the kind of propaganda which the gentleman is unwittingly giving aid to.

Mr. FREAR. Mr. Chairman, I yield one minute to myself, to say that if I have been engaged in uttering demagogic expressions, the President of the United States and many other reliable and reputable men have done the same when demanding contributions from those able to pay. I have no personal interest in this matter and am willing to have every State make a contribution, and my State is willing to make contribution of several million dollars for this project, but the gentleman from Louisiana represents a State that is largely interested. He and the other Representatives from his State say the State will contribute nothing for their own protection. The gentleman talks about what has been given years ago. For many years those States have been collecting for their cotton and other crops far more than they have ever expended for the erection of levees. I say that some of the best men in this country believe as I do; that these States should contribute; that it is unjust for us to go on and spend all this money and let the people down there, irrespective of their ability to pay, accept all these benefits free. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. MARTIN].

Mr. MARTIN of Louisiana. Mr. Chairman, the bill we are now considering is the result of many months of labor on the part of the Flood Control Committee of the House and the Commerce Committee of the Senate. Both committees held extensive hearings and most of the members visited the flood-stricken area in person.

Too much praise can not be accorded Chairman REID, of the House Flood Control Committee, for so courageously maintaining that flood control is a national problem and insisting that the entire cost should be borne by the Federal Government. A like measure of praise should be accorded Chairman JONES, of the Senate Commerce Committee, whose skill and ability resulted in a unanimous report of his committee and an equally unanimous vote in favor of the bill in the Senate.

The State of Louisiana has reason to be grateful to its member on the Flood Control Committee, Hon. RILEY J. WILSON, and to its two United States Senators, who so ably protected the interests of a State that suffers more than any other from the flood waters of the Mississippi. [Applause.]

EFFECTS OF THE FLOOD

Before discussing the merits of this bill I would like to refer briefly to the effects of the recent flood.

The story of the flood of 1927 is one that will never be forgotten in the Mississippi River Valley. The press, the telephone and telegraph, and the voice of the radio but poorly pictured that tragedy. One had to be on the scene to realize that such a calamity was possible. That many hundreds of lives were not lost was due to the splendid relief work done under the direction of Secretary Hoover and ex-Governor Parker, of Louisiana. That many others did not die of starvation and disease was due to the Red Cross and to the charity and generosity of the American people that enabled this great organization "its wonders to perform."

When the levees on the Bayou des Glaises and the Atchafalaya Basin gave way, it flooded one of the most fertile and thickly populated sections of Louisiana. The cities and towns of New Iberia, St. Martin, Breau Bridge, and Morgan City were submerged. Ninety-nine per cent of the parish of St. Martin was under water to a depth of 1 to 12 feet. Large areas in the parishes of Iberia, St. Mary, Lafourche, Terrebonne, and Assumption were covered by this devastating flood, and valuable crops were destroyed.

But human suffering and woe is what touched the heart-strings. This flood covered a territory that had never been overflowed. The people could not be convinced that they were in danger. They refused to leave their homes and their possessions. The rude awakening came with the break in the levees, which was followed by a mad rush for safety and frantic attempts to save life, livestock, and property. Business was suspended in neighboring towns, and the whole community became engaged in rescue work. Every available water craft was put into commission and for several days people were

being rescued from housetops. As fast as they could be rescued the refugees were taken to the neighboring cities of Lafayette and New Iberia, whose citizens vied with the Red Cross in extending aid and relief. These refugees, some 50,000 in number, were cared for in the Red Cross camps established at Lafayette, New Iberia, Houma, Thibodaux, and Napoleonville, the citizens of which rendered every aid that was humanly possible. And when at the end of two months the flood had subsided and these people returned from whence they came, what did they find? Their homes had been totally or partially swept away, their fences were all gone, their once-fertile fields were covered with slime and sand, their livestock and chickens had been swept away in the flood. They had nothing left but the courage to begin life again. And yet, it is these same people, we are told by some high in authority, who should now tax themselves and contribute toward flood control.

PROVISIONS OF THE BILL

Mr. Chairman, this bill, like all other legislation, is the result of compromise. Personally, I would have preferred the original Reid bill, which adopted no plan, but provided for a commission with full authority to solve the flood problem without local contribution. It is true that this may have resulted in some delay, but where life and property are at stake a little delay would do no harm.

The bill under consideration, while adopting the Jadwin plan, yet authorizes the modification of that plan and contains provisions which, in my opinion, will safeguard the interests in the Atchafalaya Basin. Had the Jadwin plan been adopted in this bill, without authority to modify or change it and without the safeguards to which I shall presently refer, I should have felt constrained to vote against it, as I am convinced, after a most careful study of General Jadwin's plan, that it would not only fail to remedy conditions in the Atchafalaya Basin but would in times of flood make conditions in that basin even worse than they were in 1927.

I shall take occasion to refer more particularly to the Jadwin plan further on in my remarks.

This bill provides for a board consisting of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two engineers chosen from civil life, whose duty it shall be to consider the differences existing between the plan of the Chief of Army Engineers and the Mississippi River Commission plan, and after such study and such further surveys as may be necessary determine the action to be taken on same and its decision followed in carrying out the project. If the board can not reconcile the two plans, then the matter must be referred to Congress. But the most important provision relating to the Atchafalaya and other basins is that which follows:

Provided further, That such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees before any flood-control works other than levees and revetments are undertaken on that portion of the river.

As originally framed, the bill provided for a survey between Cape Girardeau, Mo., and Point Breeze, La., thus excluding a survey of the Atchafalaya Basin. At my earnest request, Senator RANDELL, of Louisiana, was considerate enough to have the bill amended in committee by extending the survey as far as Baton Rouge, thereby including the Atchafalaya in the survey to be made. Without this amendment the board was without authority to modify the plan of the Chief of Engineers further than to reconcile it with that of the Mississippi River Commission. With this amendment the board is authorized to make such further surveys as may be necessary for the purpose of determining the best method of securing flood relief in addition to levees, and this must be done before any flood-control works, other than levees and revetments, are undertaken on that portion of the river.

NECESSITY FOR SURVEY

A survey is necessary because the plan of the Chief of Army Engineers neither meets nor remedies conditions in the Atchafalaya Basin.

This plan proposes that the Atchafalaya River shall receive and carry to the Gulf 1,500,000 second-feet of water. The most this river has ever carried is 500,000 second-feet, and this was followed by crevasses that inundated a vast section of the country. The plan of the Mississippi River Commission proposes to divert 900,000 to 1,000,000 second-feet down the Atchafalaya, and that would give a reading of 13 feet on the Morgan City gauge. The diversion of 1,500,000 second-feet through the Atchafalaya would give a gauge reading of over 15 feet, and would submerge the Southern Pacific Railroad from Schriever to Baldwin, a distance of over 50 miles.

The Atchafalaya River, as one of the outlets of the Mississippi River, must bear its burden of the flood waters, but whatever amount of water this river is made to carry, that amount should be limited and controlled.

The proposed fuse-plug levees, so constructed as to give way in time of extreme flood, would turn an indeterminate amount of water down the Atchafalaya, would raise the flood heights several feet over that of 1927; and if perchance the so-called guide or flood-way levees should give way, the loss of life and property would far exceed that of 1927. Such a disaster would not only flood the same territory as did the 1927 flood but hundreds of square miles of additional lands. To make the Atchafalaya River take care of one-half of the water that flows down the Mississippi in time of extreme flood, without limit or control, would be inviting a disaster that would make that of 1927 pale into insignificance.

FLOOD-WAY LEVEES

The guide or flood-way levee proposed in the Jadwin plan for the west side of the Atchafalaya River terminates, according to the map accompanying his plans, near Grand Lake, between Franklin and Patterson. There is no plan to control the water when it reaches the end of this levee, and nothing to stop the water from going around the end of the levee, thereby flooding the entire east side of Bayou Teche, and again there is nothing to stop the water from crossing to the west side of the Teche and flooding the greater portion of St. Mary Parish, including the towns of Charenton, Baldwin, Franklin, Centreville, Patterson, Berwick, and Morgan City.

On the east side of the Atchafalaya conditions would be no better. The flood-way levee proposed in the Jadwin plan terminates about 8 miles east of Morgan City, and the backwater going around the end of this levee would cover the entire west side of Bayou Lafourche as far up as Donaldsonville and would flood a large portion of the parishes of Terrebonne, Lafourche, and Assumption.

That the effect of the Jadwin plan would be as above outlined is the fixed opinion of such eminent engineers as James P. Kemper and Walter Y. Kemper, of Louisiana, both of whom were born and raised in the Atchafalaya Basin and are thoroughly familiar with the levels and topography of that country.

The necessity for a modification of the Jadwin plan is virtually admitted by the general himself in his statement before the Commerce Committee of the Senate, as appears from the following:

Senator RANDELL. Do you insist on your report through the Atchafalaya? Would you extend that farther down?

General JADWIN. My report provides for going down farther than is shown on the map. You will find a paragraph in there, and I have an addition to the estimate.

Senator RANDELL. Explain that briefly. My friends down there in that country tell me that they would all be flooded if your project were carried out.

General JADWIN. We are going to take care of everything down there that is economically justified. We have an extra sum in the estimate. You know that country is developing down there, and we want to take care of that water in a way that will fit in with them. That is what we mean when we put a paragraph in there, and we intend to protect everything that is economically justified.

Senator RANDELL. Entirely down to the Gulf?

General JADWIN. Yes. We intend to go down through there as far as the soil will bear levees, and we may have to make some turns and we may have to put a lock in where we cross the intercoastal waterway.

Senator RANDELL. And provide for a million and a half second-feet that you suggest?

General JADWIN. Yes.

Senator RANDELL. It would be a great addition, would it not, to the estimate that you have spoken of? I think you figure \$27,000,000 for that general section. You would have to add a great many millions, would you not?

General JADWIN. Oh, it is in there. We have the money in there that will take us down.

It will be noted that General Jadwin states that the guide or flood-way levees will be taken farther down than is shown on his map, and, in fact, be built as far down as the soil will bear levees, thereby protecting everything that is economically justified.

Certain it is that his plan and the map accompanying the same did not indicate the protection that he now proposes, nor did it make any mention of locks. The provision in the bill calling for a survey will therefore permit the changes suggested by General Jadwin and will also permit such further modification of his plan as will give the Atchafalaya Basin the protection to which it is entitled.

MORGAN CITY

Under the Jadwin plan Morgan City is to be protected by a so-called ring levee; that is to say, the city will be placed in the flood way, and its protection will be dependent on a levee which will encircle the city, the cost of which is to be paid one-half by the city and one-half by the Government.

This city of some 5,000 inhabitants, with its flourishing industries of lumber, oysters, fish, and furs, is entitled to more consideration, and is given more consideration by the plan of the spillway board, which is adopted in the report of the Mississippi River Commission. The spillway board proposes that the Atchafalaya River shall receive 1,000,000 second-feet of water, which would put the gauge at 13 feet at Morgan City, while the Jadwin plan proposes that the river shall receive 1,500,000 second-feet, which would put the gauge at Morgan City upward of 15 feet. In his statement before the Flood Control Committee, Colonel Wooten, the chairman of the spillway board, made this statement with reference to the east side of the Atchafalaya River:

Then starting on the east side, to maintain the existing levee intact, strengthen it and build an extension of the levee system down on the east side and swing it around to protect Morgan City, so that backwaters from the Atchafalaya would not back up on Morgan City.

Colonel Wooten also recommends the construction of a sea wall in front of Morgan City of such dimensions as would insure its safety from overflow in times of the highest flood.

With further reference to protecting Morgan City, Colonel Wooten, in answer to a question, makes the following statement:

Mr. MARTIN. You said something about your board having taken into consideration the advisability of putting a spillway in the Atchafalaya near Morgan City.

Colonel WOOTEN. Yes; we looked around for proper sites.

Mr. MARTIN. You did not recommend it on account of expense.

Colonel WOOTEN. Yes; on account of the cost; that is the balance between the costs and the benefits in order to get a discharge which would really amount to anything. It would give us a good deal of the valley which we do not have to have, because we have got enough capacity in the Atchafalaya at Morgan City, if we levee it, to take care of the flow which would be consequent upon the flood which we assume would be the basis.

This answer of Colonel Wooten but emphasizes the necessity for a survey, as is authorized in this bill, to the end that Morgan City may be given relief and not be subjected to a financial burden it is unable to bear.

EAST OF ATCHAFALAYA

With reference to lands lying east of the Atchafalaya, the following colloquy took place between Colonel Wooten and myself before the Flood Control Committee:

Mr. MARTIN. Colonel, in speaking of the height of water at Morgan City, how does your proposed plan protect the parish of Terrebonne, for instance?

Colonel WOOTEN. Perhaps I had better describe that a little bit more. Here [indicating on map] is Morgan City. Here [indicating] is Bayou Boeuf coming down, and Bayou Black coming in over here [indicating]. As you know, the intercoastal canal at the present time goes through Bayou Black and Bayou Boeuf up to Morgan City.

In order to extend the levee system down far enough so that backwater from the Atchafalaya will not come around through Bayou Boeuf and Bayou Black into this Terrebonne and Lafourche country, we propose to put a dam just below Morgan City and put that levee right on across it and extend it down the Bayou Shaffer to its junction with Bayou Chene; and the intercoastal canal, then, instead of going through Bayou Boeuf, would go down through Bayou Chene and up through Bayou Shaffer to Morgan City. It would add a few more miles in length to the intercoastal canal, but it would avoid putting a lock in Bayou Boeuf.

I have great confidence in Colonel Wooten, but whether his plan, as outlined in answer to my question, will protect the parishes of Assumption, Lafourche, and Terrebonne from backwater, I am unable to say. Eminent engineers familiar with the topography of that section of the Atchafalaya Basin say that it would not. There is too much at stake to have any uncertainty, and an additional survey will remove the doubt and provide a remedy, if one is needed.

OTHER SAFEGUARDS

This bill also contains the following provisions:

Provided further, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will as fully and amply protect the adjacent lands as those protected by levees constructed on the main river: *Provided further*, That pending completion of any flood way, spillway, or diversion

channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said flood way.

These safeguards should remain in the bill, and they will tend to give the people residing in the Boeuf, Tensas, and Atchafalaya Basins a sense of security during the time that flood-control works are under construction. Under no circumstances should a flood way be constructed until all lands and property embraced within such flood way have been acquired or the easement thereon purchased and all protection and drainage works completed, to the end that lands, cities, and towns adjacent thereto shall be as fully protected as those adjacent to the main river.

A NATIONAL OBLIGATION

I congratulate the committees of both branches of Congress that have framed this legislation upon having reached the conclusions that flood control is a national problem and that the entire cost should be borne by the Government. There can be no flood control with divided authority. Either the Government must take over the problem and solve it, or we must look forward to disasters even worse than that of 1927.

The proposal in the Jadwin plan that the people in the Mississippi Valley pay 20 per cent of all cost of flood control, provide rights of way for all levee structures and drainage works, maintain all levees at the head of flood ways, maintain all flood-control works after construction, and pay all damages resulting from such constructions would cut triple a burden that is already unbearable and defeat the purpose of any legislation looking to flood control. The State of Louisiana can not meet these conditions, nor should it be expected to put up one cent toward controlling a river that belongs to the Nation and that is the drainage ditch of 31 States. We have reached the limit of our financial endurance. We have expended \$290,000,000 in an earnest effort to save life and property, only to find that conditions grew worse year by year, and we are told by our engineers that unless this flood-control problem is solved, the worst is yet to come. In 1794 a 3-foot levee gave ample protection at New Orleans. To-day an 18-foot levee keeps the inhabitants of that city in fear and trembling in times of flood. We are the victims of the march of progress. The development of the 31 States above us has made our burden unbearable. There are no longer any natural reservoirs to withhold the flood waters and let them down on us gradually. Lands have been reclaimed, forests have been depleted of their trees, and the lands upon which they grew drained and placed in cultivation. Every improvement in that vast territory between the Rocky and Allegheny Mountains has been reflected in the constantly increasing flood heights in the Mississippi River. This water must enter the Mississippi on its course to the Gulf, and if we owe this servitude to one-half of the Nation, then certainly the problem of so regulating this servitude as to save both life and property is a national one, the cost of which should be borne, as a matter of justice and equity, by the Government alone.

During the disastrous flood of 1927 the President made this statement:

We propose to solve the problem of flood control so that such a situation may never again have to be met.

Speaking at St. Louis, Secretary Hoover said:

I believe the whole of the United States is unanimous in that we must undertake such engineering works as will give security, not only now but for the future.

Who are "we," if it be not the Nation?

Both the President and his Secretary of Commerce spoke with authority, because the Nation is thoroughly aroused, and the demand that this calamity shall never again occur is, as Secretary Hoover puts it, "unanimous."

Every organization of any importance in this country has spoken. The American Legion, the American Federation of Labor, the United States Chamber of Commerce, the farm organizations have all declared and gone on record as favoring absolute control of the flood waters of the Mississippi, and this without local contribution.

In the settling of the debts of our allies growing out of the late World War, we dealt with them upon their "capacity to pay." This was done in order that these countries might recover from the devastating effects of the war and that they might be rehabilitated. Are we to show less consideration to our own people? We have reached the limit of our "capacity to pay." Even with the Government assuming the entire burden, we will be paying taxes on outstanding indebtedness, expended on flood-control work, for the next 40 years.

Mr. Chairman, attempts will be made to amend this bill when it reaches that stage in legislative procedure. Let me express the hope that this House will stand by the action of its committee and not adopt amendments that will defeat the purpose of this legislation.

The duty and obligation of this Government to protect the lives and property of its people is unquestioned. Let us assume this obligation, respond to the sentiment of the country, and by passing this legislation show that this Government is in reality a government "of the people, by the people, and for the people." [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman, ladies, and gentlemen, it is only half an hour since I arrived from the city of New York. During that time I had the privilege of listening to the closing speech of my distinguished friend and colleague [Mr. LA GUARDIA], as well as the remarks of my confrere, Congressman JACOBSTEIN, of Rochester. I had no desire whatsoever to participate in the debate that has been going on here relative to the flood control of the Mississippi. However, the colloquy between Congressman JACOBSTEIN and Mr. LA GUARDIA prompts me to give the House certain information which might be of interest to the membership of this historic body.

The district I represent is the fourteenth congressional district of New York City. It is one of the most crowded and congested districts in the city of New York. During the years 1916 to 1920 it was represented by my good friend Mr. LA GUARDIA. To-day I have the honor to represent it not as its master, but as the servant of its wishes.

A month before Congress convened I sent out a questionnaire, containing nine questions, to all the voters of my district asking my fellow citizens how they would like me to vote on these vital matters affecting the public welfare. One of these questions appertained to flood control through the agency of the Government of the United States. Ladies and gentlemen of the House, I want to say to you in all sincerity that there was not a man or woman who responded to this questionnaire but who answered in favor of giving a helping hand to the people of our Southern States, who have been afflicted with this terrible catastrophe in this their greatest hour of need and sympathy. [Applause.]

The individual States of our Union are comparable to the organs of the human body. When one organ is diseased, the others suffer. So with our States. The social, the economic, the industrial interests of one State affect the other. One is dependent upon the other for its happiness, for its success, for its welfare, and for its prosperity. Coming therefore from one of the largest working districts in the city of New York, representing every class, creed, and color, men and women who toil and struggle in the quarries of life, I feel I have the right as their spokesman and as their servant to state to you gentlemen of the House that the sympathy of the great East Side of New York, the working people, who labor and toil by the sweat of their brow; that they are with you in your desire to improve your economic condition through the prevention of future floods and are desirous of being recorded as anxious to help you so that the tempests of the future, their rain, flood, and storm, shall never again visit their ravages upon your home, upon your fireside, and upon your farms. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. SIROVICH. I yield to my friend from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Will the gentleman incorporate in the RECORD the questionnaire, so we may have an opportunity to know just what the people of the gentleman's district voted for, and whether they had this bill before them or some other proposition? There are many of us who are in favor of helping the southern people, but there is a difference of opinion as to the method of helping them.

Mr. SIROVICH. I shall be pleased to discuss the question of help the gentleman from Wisconsin speaks of, for a minute or two.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. SIROVICH. I can not answer two questions at the same time. If Mr. SCHAFER will allow Mr. LA GUARDIA to ask the question—

Mr. LA GUARDIA. The gentleman conceded he did not hear my speech.

Mr. SIROVICH. I only heard the end of it.

Now, regarding the question of the gentleman from Wisconsin [Mr. SCHAFER]. The question before the House, as I understand it, is, Should the Government of the United States pay the complete expense of the flooded area of the Mississippi, so that the flood should never return again; or should the local

communities along the Mississippi River be assessed in part to defray this expense.

Knowing the condition of the poor farmers of the South, realizing their suffering, their trials, their tribulations, and the vicissitudes incident to the destruction of their homes, their farms, their livestock, and the products of nature, representing a working group of people that are in sympathy with the ideals of the farmers of our country, I know I represent the sentiments of the people of the fourteenth congressional district of New York City when I say to you, That the Government of the United States, the most prosperous Nation in the world, should consider it a privilege, yea, an honor, to pay all the expenses of the poor farmers of the South, so that they could be protected against the ravages of nature in the future and live in happiness, in contentment, enjoying the blessings of life and the reward that comes to those who till the soil to reap the harvest of their labor. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Chairman, I desire to speak in reference to the Sacramento River flood-control project. It is embodied in section 14 of the bill. I regret that the gentleman from California, my colleague Mr. CUREY, who for so many years has been associated with the project, is unable to be here and speak for it instead of myself.

The practical question presented to the House as to this project is as to what should be the equitable and just contribution as between the Federal Government and the State and local interests. The present law provides, in effect, that the Federal Government is responsible for one-sixth of the cost of the project. The State and landowners are responsible for five-sixths of the cost. The proposal embodied in this bill is that the Federal Government assume one-third of the cost of the project, the State one-third, and the owners the remaining one-third.

We might consider the Sacramento watershed as illustrated by this Hall. The Sacramento River flows south through the valley 250 miles over a plane practically as level as a floor. On the east side is a mountain range with an average elevation of 4,000 feet and many peaks as high as 8,000 feet. On the west side is another mountain range with an average elevation of one to four thousand feet, while at the head of the valley is a mountain range from two to ten thousand feet high.

This is a land of large rainfalls. The result is that after a rainstorm, within 24 hours the water rushes from the mountains into the valley, and although the watershed is small the flow of the Sacramento River is 600,000 cubic feet per second at the mouth of the river.

This stream flows on a ridge through this great valley. Much of the way the river is 20 feet higher than the valley on each side. There would be no river in the channel if it were not for the protection works that have been constructed along this main channel. There are about 1,100,000 acres in the flood area which are covered with water at times when we have had severe floods. In addition to that amount, over 200,000 acres are in by-passes which help to drain the water to the San Francisco Bay.

Flood control in the Sacramento Valley was greatly complicated by the fact that following a few years after the first gold rush to California a system of hydraulic mining was practiced by which mountains were literally torn away and conveyed down stream. Engineers have estimated that the quantity of debris thus moved down the Sacramento River and its tributaries was equal to seven times the total excavations in building the Panama Canal.

The result was that the bed of the stream filled up 10 feet, and in some places as much as 19 feet, and part of this debris was moved as much as 250 miles to San Francisco Bay. Navigation was practically destroyed and the valley was every now and then overflowed by a destructive flood. In 1893 an attempt was made to take care of this situation.

The California Débris Commission was appointed to consist of three Army engineers, to devise plans for providing for navigation and control of floods. The project was accepted as a co-operative one between the State and Federal Government. During the 17 years that followed an effort was made to dam this debris with the hope that the stream would scour out the rest of the debris below that, and provide navigation and take care of the floods. That plan failed. Then a plan of dredging the river was adopted, and after a brief trial that was shown to be a failure. It was not until 1910 that a successful plan was adopted. That is the plan now under construction. That plan proposed that the State and local interests assume two

thirds of the cost and that the Federal Government assume the other third. Certain definite work was assigned to the Federal Government on this basis. Shortly following the publication of this report, the California Legislature, assuming the report would be adopted, provided legislation under which the landowners could be legally assessed through taxation for their part of the flood-control works. A system of assessment was prescribed under which the lands benefited were to pay in proportion to their benefits. The legislature also made provision for the State assuming its proportion of the liability. The plan of the debris commission was later modified and adopted by Congress.

The Sacramento flood-control project was adopted in the act of 1917, together with Mississippi flood-control legislation. Under the plan as adopted the contribution of the Federal Government was reduced to one-sixth of the cost, with a specific limit of \$5,600,000. Landowners had to accept what the act of 1917 provided. In 1925 the California Debris Commission again reported in favor of the division of responsibility, substantially in accordance with the original report of 1910. Several years' experience had demonstrated that the contribution required from the landowners was out of proportion to the benefits they received and more than could justly be required of them.

In the next place, I might say that the Sacramento River carries a commerce of over 1,250,000 tons per year, with an average value of over \$75,000,000 per year.

There are five distinct features of the flood-control plan of the Sacramento Valley. The first is channel enlargement. One-half of that cost was to be paid by the Federal Government, and one-half by the State. River levees were to be built and 520 miles of river levees have been constructed. Some of them are 30 feet high, but the average height is 20 feet. They have been constructed at local expense. Weirs were constructed, so that the surplus waters might escape from the stream and run down these side channels instead of breaking through the main channel and destroying navigation and the channel. Those weirs were constructed by the United States. One of the most effective parts of the control of the Sacramento River is the by-passes. The Sacramento River has a capacity in its own channel to carry only one-fifth of these flood waters. In other words, when we have a flood in the Sacramento Valley, five-sixths, and in some places seven-eighths, of the water flows down the by-passes instead of in the central stream. Those by-passes are from 2,000 feet to 14,000 feet wide, so that we have a river in the by-pass from five to eight times the size of the main river. The flowage rights in the by-passes are furnished at local expense. There are 190 miles of levees along these by-passes. There are built by local contributions. There are also levees for short distances up certain tributaries that enter the Sacramento River. This is the scheme as it is provided to-day. The Federal Government's cost of this project was limited specifically to \$5,600,000. Since that estimate was made in 1910 the total estimated cost of the project has increased from \$33,000,000 to \$51,000,000. The plan proposed is that the Federal Government shall assume one-third of that cost, which is a little over \$17,000,000. The landowners in that project have contributed over \$22,000,000. It was originally estimated that \$22,000,000 or \$23,000,000 would be their total cost.

The project to-day is only 60 per cent completed. The burden is so heavy on many of these landowners that the California Debris Commission reports that the burden on those landowners is unjust and beyond the benefits they receive, and that it is doubtful if the plan can be completed unless those landowners are relieved of part of the responsibility that now rests upon them. At the present time the State and landowners are paying five-sixths of the cost of this project. The landowners in this flood area in the Sacramento Valley have paid and obligated themselves to pay \$100,000,000 to pay for and utilize those 1,100,000 acres of land. Much of that expense, of course, is for protective works not part of the project, but necessary to realize their benefits from the plan. The result is that they are now so burdened that they are unable to go ahead and contribute to the increased funds necessary to complete the plan.

We people of California will be satisfied with the two-thirds contribution required of California and the landowners under the provisions of this bill. There is a special benefit to landowners by reason of this protection for which they are able and willing to pay. Neither do we find fault, as intimated we might, with the more favorable terms provided for the Mississippi. Doubtless the circumstances of the Mississippi vary from those of California. We are satisfied to assume that portion of the expense which our people are able and willing to pay as a just liability.

I understand that negotiations are being carried on looking toward a compromise as to contributions from the Mississippi Valley. The primary consideration as to the Mississippi is to see that the work is done and done well. One year has passed since the Mississippi flood. No new plan has been adopted. No plan of making an economic survey as to the equity of local contributions should delay the progress of the work. Our experience with the excessive contributions against the landowners in California suggests that no plan of oppressive contributions should be adopted for the Mississippi. If any contributions are agreed upon, they should be confined to cases where the special benefits conferred by the improvement are equal to any assessments that may be imposed.

We people of California are in sympathy with the early and complete protection of the Mississippi Valley. We desire to support this and any supplementary proposals that may be offered to legitimately accomplish that purpose.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FREAR. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman, ladies and gentlemen of the committee, the people of the district that I have the honor to represent fully appreciate the seriousness of the Mississippi flood disaster, and desire that their Representative vote for adequate legislation and appropriation to prevent its recurrence. I have carefully listened to the debate on the floor of this House, and I am at a loss to understand just where some of the Members who have spoken stand on the legislation.

The gentleman from Georgia [Mr. Cox] delivered a splendid oration for one hour in which he criticized my colleague from Wisconsin [Mr. FREAR] for opposing the bill as reported by the committee, and yet the gentleman himself opposed the provisions of section 4. I hope this House will carefully consider amendments which will be offered, so that we will pass a bill that will be satisfactory to the entire membership. I have a great deal of faith in the Engineer Corps of the Army. The Army engineers have demonstrated their ability in time of peace as well as in time of war.

Some of the previous speakers lauded the mayor of the city of Chicago, Mr. Thompson, who came down to Washington with a number of special trains filled with people in favor of "flood relief" and led by brass bands. The unofficial hearings at which the Thompson caravan testified do not contain any facts which would be useful to solve the flood-control problem, as nearly all the "testimony" presented consisted of vague generalities or the singing of praises of Mayor Thompson of the great city of Chicago.

Mr. Chairman, we must consider this flood-control question from a great many angles.

The creating of adequate levees and spillways alone will not solve this problem. We must consider the reforestation and the building of reservoirs in the upper river and tributaries, to impound and regulate the waters which flow into the valley. We must also consider the diversion of waters from other bodies, such as the diversion from Lake Michigan by the Chicago Sanitary District which not alone lowers the lake level to the detriment of shipping interests, the municipalities, and people of the Great Lakes district, but also to no small degree contributed to the increase of waters in the Mississippi and its tributaries, thereby being a contributing factor to the recent flood disaster.

Mayor Thompson, of Chicago, who has spent a great deal of his time fighting King George of England at long range has been in the forefront of the forces responsible for this diversion and its continuance. If Mr. Thompson really wants legislation to prevent a recurrence of the recent disaster, he should bend his efforts toward stopping the diversion of water from Lake Michigan by the Sanitary District of Chicago. [Applause.]

I shall vote for the pending bill if certain amendments are incorporated, some of which will be offered by my distinguished colleague from Wisconsin [Mr. FREAR]. I am in favor of flood relief, but opposed to pork-barrel legislation and unwarranted raids on the Treasury in the name of flood relief.

I realize that each individual Member can not carefully study every angle of all of the legislation pending in Congress. My colleague from Wisconsin [Mr. FREAR] is a member of the committee which considered this legislation. He has spent a great deal of time and effort in its consideration. I shall look, for leadership and information, to my distinguished colleague [Mr. FREAR] and the Chief of Engineers of the Army, rather than to those who will reap large and unwarranted financial benefits from the enactment of the bill as reported by the committee. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. REID of Illinois. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS—FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend their remarks on Senate bill 3740.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all Members may have five legislative days in which to extend their remarks upon this bill. Is there objection?

There was no objection.

Mr. PRALL. Mr. Speaker, ladies and gentlemen of the House, I have the distinguished honor of representing in this House the eleventh congressional district of the great State of New York.

The eleventh district embraces the lower part of Manhattan, which is a part of the old city of New York, Staten Island, known as the Borough of Richmond, an integral part of the city of New York, Governors Island, Bedloes Island, and Ellis Island, in the bay of New York.

While the people of this district are far removed from any part of the Mississippi River flood area, I assure you they are sincerely sympathetic with and interested in Senate bill 3740, now under discussion in the House, and which is designed to forever prevent a recurrence of the horrible disaster of 1927.

I am not in favor of some of the provisions of this bill but will support it and vote for its passage.

It was in the eleventh district I first saw the light of day. I have never lived elsewhere. Having been in close personal contact with its people all my life I believe I know them.

Its electorate is perhaps the most heterogeneous of any political subdivision in the United States and is therefore the most interesting. Its daily turnover in business far exceeds that of any other like area in the world, therefore it stands out and must be considered the most important.

Staten Island, or the Borough of Richmond, the lower portion of the district, is one of New York City's fastest growing boroughs. It has a population of nearly 150,000, 70 per cent of which own and occupy their own homes. It is essentially a borough of homes. It forms a part of the gateway to New York Harbor and the Nation. It was first discovered by the Florentine explorer Verrazano for France in 1524, and later by Hendrik Hudson for the Netherlands in 1609. At about that time it was settled by the Dutch and the Huguenots and its claim to fame was established.

George William Curtis once said, "God may have made a more beautiful place than Staten Island but he never did." To-day it is one of New York City's greatest assets.

Its people have ever been God-fearing, patriotic, thrifty, and progressive. During the days of the Civil, Spanish-American, and World Wars, its quota of fighting men was furnished in almost inconceivable time. They excel in community spirit and enthusiasm, leading to good citizenship. They are generous to a fault when the call comes. They are tolerant. They love their neighbors, their homes, and their country. They are in sympathy with their suffering fellow Americans of the Mississippi River States in this hour of their misfortune.

The upper or northern portion of the eleventh district includes Bedloes Island, famous for its Statue of Liberty, a gift of France, facing the gateway of the Nation at the entrance to New York Harbor to welcome the newcomer to our shores.

Just north of Bedloes lies Ellis Island where the alien first steps foot on the land of freedom and just beyond Ellis one finds the historic Governors Island fortified years ago for the protection of New York City against enemy forces.

The southerly end of Manhattan Island (the old city of New York) from Fourteenth Street to the Battery on the west, and from Market Street to the Battery on the East Side completes its boundary lines.

This portion of the district presents the greatest range and variety of racial groups and business enterprise, more, perhaps, than any similar area in the world.

It is here we see the "melting pot" of the Nation. It is here one public school, whose capable principal is Mr. Joseph T. Griffin, a brother of my colleague Mr. GRIFFIN of New York, boasts of having on its rolls the children of more than 28

distinct nationalities. It is here the toiler in the trades educates and Americanizes his family, and as success and prosperity crown his efforts he moves on to make room for another. Within this part of the district there is a population of approximately 150,000 people.

Men, women, and children who thrive on the opportunities offered in this land of liberty whose statue they can see from their homes. Men, women, and children of understanding inculcated in them by the hard knocks received in the school of experience. Men, women, and children whose hearts overflow with sympathetic affection for those in distress and for those overtaken by misfortune and disaster regardless whether it be those of their own community or beyond it. Men, women, and children who during the stress of war and in times of peace have ever been real red, white, and blue Americans.

Devastation, destruction, disaster, and death followed in the wake of the Mississippi flood of 1927.

From Arkansas to Louisiana the raging waters carried human beings, domestic animals, homes, outbuildings, bridges; in fact, everything in its path to destruction. The human suffering and anguish was indescribable—the personal losses were incalculable. The sympathetic interest of the whole Nation was aroused. The Red Cross Society performed, perhaps, its greatest service in this disaster.

Had this bill been before Congress at that time I doubt if there would have been a single vote cast in opposition. But there is opposition—there seems to be a question of its national status. It has developed, however, in this debate that 31 of the 48 States contribute directly or indirectly to the flow of water in the Mississippi River. It therefore appears to be a national responsibility—a responsibility which is ours—a problem to be solved by Congress. Seven hundred thousand people were driven from their homes. Think of it! They were made objects of charity overnight, dependent upon the Red Cross Society and other agencies for food and clothing. Eighteen thousand square miles of land were inundated; 1,500,000 farm animals and cattle were destroyed—land was laid bare and ruined for farming purposes—all causing a total loss of many hundreds of millions of dollars. Is it a national problem? Certainly it is. Should we solve it? Of course we should. The provisions of the bill have been ably discussed. I will not discuss them. It is not a perfect bill. Some of the objectionable features will undoubtedly be removed by amendment. But the bill has merit. It should pass with some changes. The prevention of future national disasters is a national problem which should be solved by the National Government.

I have discussed the provisions of the bill with the men on the street, with the big business man, and the small business man. In the eleventh district big and little business abound—Wall Street and the great banking and financial corporations are located in the heart of it. Every known trade and business in the country is represented here. Here the largest business turnover in the Nation is made every working-day in the year.

The trans-Atlantic and coastwise shipping port along the Hudson and East Rivers is largely located in my district. Great steamships arrive and depart daily with their cargoes of passengers and freight which has been gathered from the production plants, mills, and factories of every State in the Union for shipment to foreign countries and coastwise ports. There are thousands of smaller business men represented by the retailers and storekeepers everywhere throughout the district. I have discussed this question with many of them from the executive heads to the man on the street; and they are in agreement that it is a national problem.

ORDER OF BUSINESS

Mr. GARNER of Texas. Mr. Speaker, may I ask the gentleman from Illinois, in order that the membership of the House may have some information on the subject, since I have had a number of inquiries about it to-day, when it is hoped to reach a vote on this bill?

Mr. REID of Illinois. In view of the unanimity of intention to offer amendments, I do not know, but I think we will begin reading the bill on Friday.

Mr. GARNER of Texas. When do you expect you will arrive at a vote on the bill in the House of Representatives?

Mr. TILSON. That will depend on the number of amendments offered and the amount of debate under the five-minute rule.

Mr. GARNER of Texas. Do I understand, then, that you hope to arrive at a vote on this bill by Saturday?

Mr. REID of Illinois. Yes.

Mr. TILSON. I hope so.

Mr. GARNER of Texas. You expect to do that?

Mr. TILSON. I expect so, and I shall urge all I can in that direction.

Mr. GARNER of Texas. I understood there was some arrangement being made by certain gentlemen, including the gentleman from Connecticut, whereby they hoped to reach an agreement not later than Monday.

Mr. TILSON. I have heard nothing of it. What the gentleman states is news to me, because I can assure him that his statement is the first I have heard of it.

Mr. GARNER of Texas. Then you expect to vote on the bill on Saturday?

Mr. TILSON. That is the expectation, and I suppose the gentleman from Illinois agrees with me.

Mr. REID of Illinois. I follow my leader.

HAWAII, A TERRITORY OF THE UNITED STATES

Mr. CELLER. Mr. Speaker, I ask unanimous consent to insert in the RECORD certain correspondence that passed to and fro between the Delegate from Hawaii [Mr. Houston] and myself concerning Hawaii, one of our Territories.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by inserting certain correspondence between himself and the Delegate from Hawaii on the subject of Hawaii. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, under leave to extend my remarks I desire to insert correspondence which has passed to and from Hon. V. S. K. Houston, Delegate to Congress from Hawaii, and myself. The contention of the Delegate from Hawaii is quite sound and it is wrong to classify Hawaii in any way other than that of a Territory of the United States.

The matter referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 14, 1928.

Hon. EMANUEL CELLER, M. C.,

House of Representatives.

MY DEAR CONGRESSMAN: I note from the RECORD of yesterday that during the debate on the legislative appropriation bill you were yielded 10 minutes by Congressman SANDLIN for the purpose of making some remarks on foreign investments made by American banks.

In the figures that you have inserted there appears a paragraph headed "American financing of her Territories," in which there is a confusion of Territories and possessions, in fact, you use the terms "Territorial possessions" in two places. Then there is listed in the tabulation under the term "Country" both Alaska and Hawaii.

I must protest most energetically against the confusion that follows as a consequence of any classification that would list the organized Territory of Hawaii along with the possessions under the American flag. By decision of the United States Supreme Court, Hawaii is an integral part of the United States, and therefore any classification, be it only for convenience, which segregates Hawaii under the general heading of "foreign investments" is wholly wrong and liable to do damage to the interests of the Territory, which I have the honor to represent in Congress.

I ask that you will be so good as to have reference thereto made, because it is all too common for the mistake to be made of confusing the possessions, which are not in fact integral parts of the United States, with the two Territories of the United States, Alaska and Hawaii, which, in effect, are integral parts of the country.

Very sincerely yours,

V. S. K. HOUSTON,
Delegate to Congress from Hawaii.

APRIL 14, 1928.

Hon. V. S. K. HOUSTON,

Delegate to Congress from Hawaii,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: I believe your point is well taken that the Territory of Hawaii is really an integral part of the United States. However, before making the change in the RECORD I would like to have the citation of the decision of the Supreme Court to which you refer, after the receipt of which I shall be pleased to insert in the RECORD the appropriate change, and along with it pertinent portions of that decision.

I accepted the classification of loans as given me by the Department of Commerce and simply inserted them in the RECORD as received.

Very truly yours,

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 16, 1928.

Hon. EMANUEL CELLER, M. C.,

House of Representatives.

MY DEAR MR. CELLER: In reply to your letter of April 14 asking for the citation of the decision of the United States Supreme Court as to the Territory of Hawaii, may I quote you the following:

"In 1903 the Supreme Court of the United States decided unanimously in the case of *Hawaii v. Mankichi* (190 United States Supreme Court Reports, 197) that Hawaii had been incorporated as an 'integral part of the United States.'"

Several opinions were announced, but on this point the only difference of opinion was as to when such incorporation became complete.

Chief Justice White, speaking for himself and Justices Harlan, Brewer, and Peckham, said, among other things, referring to the McKinley treaty and the joint resolution accepting its terms:

"The preamble of this treaty expressed 'the desire of the Government of the Republic of Hawaii that those islands should be incorporated into the United States as an integral part thereof and under its sovereignty,' and that the governments 'have determined to accomplish by treaty an object so important to their mutual and permanent welfare.'"

(See p. 224; also separate opinion of Justice Harlan, p. 227; also p. 225: "By the resolution the annexation of the Hawaiian Islands became complete and the object of the proposed treaty, that 'those islands should be incorporated into the United States as an integral part thereof and under its sovereignty,' was accomplished.")

The above is from the Revised Laws, from page 142, Bill of Rights, Chapter XVII, of 1925, entitled: "Decision of the United States Supreme Court concerning the status of Hawaii in the Union."

Besides the above decision, the United States Congress in providing for the organic act creating the Territory of Hawaii passed the following specific section:

"SEC. 5. That the Constitution, and except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States."

That there is a basic difference between the organized Territories and the possessions should be evident from the fact that the Federal income tax laws are applicable in the Territories but not in the possessions. Customs duties collected in the Territories go to the Federal Treasury, but in the possessions go to the island treasuries.

I believe the above fact should be sufficient to support the position taken by the Territory in the matter.

With kindest regards,

V. S. K. HOUSTON,
Delegate to Congress from Hawaii.

APRIL 16, 1928.

Hon. HERBERT HOOVER,

Secretary of Commerce, Commerce Building, Washington, D. C.

MY DEAR MR. SECRETARY: On Friday, April 13, 1928, the Hon. EMANUEL CELLER, Member of Congress, in a speech on the floor of the House commenting on foreign loans, made use of a report from the Department of Commerce of recent date, quoted on pages 6445-6446, in which the organized Territories of the United States are classed under the heading of foreign securities and foreign finance.

I append for your ready reference copies of my correspondence with the Speaker on the subject.

I most earnestly protest against the continuance of the above classification. The inclusion of possessions under the heading "Territories" in the first place is conducive to the subsequent errors. The paragraph of page 6446 headed "America financing her Territories" makes use of the term "Territorial possessions." It is probably as a consequence of such terms that the erroneous inclusion of "organized Territories" followed.

May I not remind the department that Hawaii by a unanimous decision of the United States Supreme Court is an "integral part of the United States," and that by section 5 of the organic act passed by the Federal Congress, the Constitution, and except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States.

I had the occasion to bring a similar matter to the notice of the department by my letter of January 25, 1928, in which I referred specifically to the census of agriculture.

May I not hope that appropriate steps may be taken throughout the department to assure correct classification in all matters referring to Hawaii, so that (a) Hawaii as a Territory may not be confused with a possession, (b) Hawaii as an integral part of the United States may be included as under a domestic—not foreign—heading?

Very respectfully,

V. S. K. HOUSTON,
Delegate to Congress from Hawaii.

FLOOD CONTROL

Mr. COCHRAN of Missouri. Mr. Speaker, I would like permission of the House to include in my remarks on the flood control bill a resolution passed by seven large business organizations in reference to the pending measure.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, my purpose in asking your attention at this time is to read a resolution adopted by seven organizations of St. Louis on the subject of flood control. Included in the membership of the organizations will be found the name of practically every large business concern in St. Louis, as well as the largest taxpayers of my city.

These men represent the great industries for which St. Louis is famous, and I might add at least 80 per cent of them have voted the Republican ticket in the past. They are ready to do their share toward carrying out the provisions of such flood-control legislation as may be enacted. The resolution follows:

Whereas flood control on the lower Mississippi is a matter of the utmost importance and of the greatest urgency not only to the Mississippi Valley region but to the entire country, a matter which involves the economic welfare as well as the humanitarian obligations of the Nation, and which lays upon the Government of the United States an exclusive and inescapable responsibility: Be it

Resolved, That the undersigned organizations representing the business interests and activities of the city of St. Louis convey to the President of the United States and the Members of Congress their firm conviction that the problem is one which the United States Government alone can solve; that any division of responsibility is impractical and can only serve to impede the effort; and that it is essential to the expeditious and effective completion of the great work immediately necessary for the alluvial valley between Cape Girardeau and the Gulf that the Federal Government assume the full obligation the situation imposes; that in view of the magnitude and extraordinary expense of the undertaking it is highly important that the best engineering talent of the country be called upon for the primary determination of the plan, and to that end civilian engineers of the highest competency should be associated with the engineers of the Army and river service; and, finally, it is above all important in the emergency which unquestionably exists affecting such a large proportion of the country, that this pressing need for constructive and comprehensive flood-control legislation at this session of Congress be not jeopardized or endangered by a failure to consort and agree upon the major relief principles; and be it further

Resolved, That in view of the fact that flood control is a to-day need of the Mississippi Valley, that the Representatives in Congress be earnestly urged to insist upon the passage of a measure in which the general principles herein set forth are given concrete expression, and that his excellency the President of the United States be memorialized in the highest interests of our country to continue his assistance in every possible manner toward the effective working out of flood-control relief now.

ST. LOUIS CLEARING HOUSE,
JOHN G. LONSDALE, *President*,
R. S. HAWES, *Vice President*.
INDUSTRIAL CLUB OF ST. LOUIS,
FRANK C. RAND, *President*.
MERCHANTS' EXCHANGE,
F. B. CHAMBERLAIN, *President*.
MANUFACTURERS & MERCHANTS
ASSOCIATION,
F. W. CORLEY, *President*.
REAL ESTATE EXCHANGE,
J. L. BARNGROVE, *President*.
ASSOCIATED RETAILERS OF ST. LOUIS,
F. M. MAYFIELD, *President*.
FLOOD CONTROL COMMITTEE ST. LOUIS
CHAMBER OF COMMERCE,
THOS. N. DYSART, *Chairman*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. McMILLAN, at the request of Mr. HARE, for four days, on account of illness in his family.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1970. An act for the relief of Dennis W. Scott;

H. R. 2294. An act for the relief of George H. Gilbert;

H. R. 6431. An act for the relief of Lewis H. Easterly;

H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;

H. R. 7518. An act for the relief of the Farmers' National Bank of Danville, Ky.;

H. R. 8550. An act to amend the national defense act;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city.

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes;

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia;

H. R. 8983. An act for the relief of William G. Beaty, deceased;

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 10038. An act for the relief of Wilford W. Caldwell.

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California;

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; and

H. J. Res. 244. An act authorizing a modification of the adopted project for Oakland Harbor, Calif.

The SPEAKER also announced his signature to enrolled bills of the Senate of the following titles:

S. 754. An act for the relief of certain Porto Rican taxpayers;

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes; and

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a joint resolution and bills of the House of the following titles:

H. J. Res. 118. House joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor to Lieut. Col. William J. Sperry;

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.; and

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico.

ADJOURNMENT

Mr. REID of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Thursday, April 19, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, April 19, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the act of October 28, 1919, known as the national prohibition act as amended and supplemented, for the purpose of enforcing the eighteenth amendment to the Constitution more efficiently and preventing evasions thereof (H. R. 11410).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended (H. R. 12032).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (H. R. 10958).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways (H. R. 12380).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

453. A letter from the Public Printer, transmitting annual report to the Congress of the operations of the Government Printing Office for the fiscal year ended June 30, 1927, and the calendar year 1927; to the Committee on Printing.

454. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929, under the provisions of the public buildings act approved May 25, 1926, as amended, \$175,000 (H. Doc. No. 235); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STALKER: Committee on the District of Columbia. S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat., p. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. p. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia; with amendment (Rept. No. 1284). Referred to the Committee of the Whole House on the state of the Union.

Mr. STALKER: Committee on the District of Columbia. S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia; without amendment (Rept. No. 1285). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12899. A bill authorizing the erection for the use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.; without amendment (Rept. No. 1286). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 12415. A bill to grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States; without amendment (Rept. No. 1287). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 10441. A bill to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of

the United States," approved March 4, 1909; without amendment (Rept. No. 1288). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 5758. A bill amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia; without amendment (Rept. No. 1289). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Public Lands. S. 2910. An act granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.; with amendment (Rept. No. 1297). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURDICK: Committee on Naval Affairs. H. R. 5491. A bill to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921; without amendment (Rept. No. 1298). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPDIKE: Committee on Naval Affairs. H. R. 5713. A bill to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank; with amendment (Rept. No. 1299). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 5781. A bill to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States; with amendment (Rept. No. 1300). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALE: Committee on Naval Affairs. H. R. 7209. A bill to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available; with amendment (Rept. No. 1301). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPEAKS: Committee on Military Affairs. H. R. 12938. A bill for the relief of the State of Ohio; without amendment (Rept. No. 1302). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 3462. A bill for the relief of Paul Jelna; with amendment (Rept. No. 1290). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 6549. A bill for the relief of Lewis W. Crain; without amendment (Rept. No. 1291). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 9412. A bill for the relief of Frank D. Peck; without amendment (Rept. No. 1292). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 11754. A bill for the relief of Edward Knight; without amendment (Rept. No. 1293). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 12538. A bill for the benefit of Morris Fox Cherry; without amendment (Rept. No. 1294). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. S. 1594. An act for the relief of Capt. Joseph W. Loef; without amendment (Rept. No. 1295). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. J. Res. 168. A joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; without amendment (Rept. No. 1296). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 4215. A bill for the relief of Frank L. Merrifield; with amendment (Rept. No. 1303). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 4380. A bill for the relief of Martha Andrew Virginia Johnson; with amendment (Rept. No. 1304). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 8598. A bill for the relief of James J. Dower; without amendment (Rept. No. 1305). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 12012. A bill for the relief of Albert I. Riley; without amendment (Rept. No. 1306). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ZIHLMAN: A bill (H. R. 13140) to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ESLICK: A bill (H. R. 13141) granting the consent of Congress to T. S. Hassell to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at or near Clifton, Wayne County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. BURDICK: A bill (H. R. 13142) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. BACHARACH: A bill (H. R. 13143) to adjust the compensation of certain employees in the customs service; to the Committee on Ways and Means.

By Mr. FRENCH: A bill (H. R. 13144) to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes; to the Committee on the Public Lands.

By Mr. KERR: A bill (H. R. 13145) to repeal the limitations of time for awarding medals of honor, distinguished-service crosses, and distinguished-service medals; to the Committee on Military Affairs.

By Mr. SPROUL of Kansas: A bill (H. R. 13146) to amend section 82, as amended, chapter 447, being "An act to amend the laws relating to the judiciary," approved September 6, 1916 (39 Stat., p. 725, Pt. I), being code section 157, page 881 of the Code of Laws of the United States; to the Committee on the Judiciary.

By Mr. STEDMAN: A bill (H. R. 13147) to establish a national military park at the battle ground of Alamance, State of North Carolina; to the Committee on Military Affairs.

By Mr. STOBBS: A bill (H. R. 13148) to investigate the practices of the chain-store organizations; to the Committee on Interstate and Foreign Commerce.

By Mr. WURZBACH: A bill (H. R. 13149) to authorize an appropriation for the construction of permanent buildings at Station Hospital, Fort Sam Houston, Tex., and for other purposes; to the Committee on Military Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 13150) authorizing an appropriation for the encouragement and benefit of the International Petroleum Exposition Corporation, of Tulsa, Okla.; to the Committee on Mines and Mining.

By Mr. WHITE of Maine: A bill (H. R. 13151) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries; to the Committee on the Merchant Marine and Fisheries.

By Mr. PORTER: A bill (H. R. 13152) to provide for the reorganization of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STRONG of Kansas: A bill (H. R. 13153) to provide that transferors for collection of negotiable instruments shall be preferred creditors of national banks in certain cases; to the Committee on Banking and Currency.

By Mr. RATHBONE: Joint resolution (H. J. Res. 277) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XX, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWLES: A bill (H. R. 13154) for the relief of estate of Davis W. Bailey, deceased; to the Committee on the District of Columbia.

By Mr. COHEN: A bill (H. R. 13155) authorizing the President to present in the name of Congress a medal of honor to Clarence D. Chamberlin; to the Committee on Coinage, Weights, and Measures.

By Mr. GUYER: A bill (H. R. 13156) for the relief of Charles Percival Williamson; to the Committee on Military Affairs.

Also, a bill (H. R. 13157) granting an increase of pension to Lucy Dodson; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 13158) for the relief of Bessie R. Lyne; to the Committee on Claims.

By Mr. IRWIN: A bill (H. R. 13159) to authorize the construction of a memorial to the memory of George Rogers Clark at Cahokia, St. Clair County, Ill.; to the Committee on the Library.

By Mrs. LANGLEY: A bill (H. R. 13160) granting a pension to Willis Castle; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 13161) for the relief of H. C. Vaughan; to the Committee on Claims.

By Mr. MAGRADY: A bill (H. R. 13162) granting an increase of pension to Almeda L. McClosky; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 13163) granting a pension to John M. White; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 13164) granting an increase of pension to George M. Mitchell; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 13165) for the relief of Eugene Strazdas; to the Committee on Claims.

By Mr. REED of New York: A bill (H. R. 13166) granting a pension to Clara Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13167) granting an increase of pension to Ellen M. Terry; to the Committee on Invalid Pensions.

By Mr. RUBEX: A bill (H. R. 13168) granting a pension to Joshua Tate; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 13169) granting a pension to Mary Jane Chetney; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 13170) granting an increase of pension to M. Louise Haladay; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6912. Petition of citizens of New Jersey, urging the passage of the Sproul bill (H. R. 11410) to amend the national prohibition act, commonly known as the Volstead law, making the law more workable, more effective, and easier to enforce; to the Committee on the Judiciary.

6913. By Mr. CHAPMAN: Petition of Harriet Spaulding, D. Owen Robinson, James Coleman, W. B. Blanton, Richard Redding, and 57 other citizens of Frankfort, Ky., advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6914. By Mr. COOPER of Wisconsin: Petition of citizens of Mukwonago, Waukesha County, Wis., urging the passage of bill to increase pension of Civil War widows; to the Committee on Invalid Pensions.

6915. By Mr. CRAIL: Petition of California Eastern Petroleum Co. employees, favoring the passage of Senate bill 777; to the Committee on World War Veterans' Legislation.

6916. Also, petition of the Marine Refining Corporation of California, favoring the passage of Senate bill 777; to the Committee on World War Veterans' Legislation.

6917. Also, petition of Los Angeles Unit No. 8, American Legion Auxiliary, indorsing House bill 5520, a bill providing for a dormitory and infirmary for women veterans; to the Committee on Military Affairs.

6918. By Mr. DENISON: Petition of various citizens of Perry County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6919. By Mr. DICKINSON of Missouri: Petition by certain citizens of Rockville, Mo., urging the passage of a Civil War pension bill carrying the rates advocated by the National Tribune; to the Committee on Invalid Pensions.

6920. By Mr. DREWRY: Petition of sundry citizens of Petersburg, Va., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6921. By Mr. ESTEP: Resolution of Charles A. Locke, Esq., chairman legislative committee, Davis Star Camp, Sons of Union Veterans of the Civil War, urging that the battle flags in our museums may be restored and preserved, etc.; to the Committee on Military Affairs.

6922. By Mr. ROY G. FITZGERALD: Petition of 59 citizens of Dayton, Ohio, praying for the early passage of a bill to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6923. By Mr. GARBER: Petition of Proportional Representation League, by the executive secretary, George H. Hallett, jr., of Philadelphia, Pa., in support of House Joint Resolution 181; to the Committee on Election of President, Vice President, and Representatives in Congress.

6924. Also, petition of J. H. Stolper, general counsel and chairman national executive committee American Veterans of All Wars, Muskogee, Okla., and Second Congressional Republican District Convention of Oklahoma, urging the enactment of House bill 500; to the Committee on World War Veterans' Legislation.

6925. Also, petition of residents of Blackwell, Okla., urging the enactment of legislation for relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6926. Also, petition of Mrs. George T. Whitaker, of Laverne, Okla., in support of Senate bill 2901 and House bill 9588; to the Committee on the Judiciary.

6927. By Mr. HOPE: Petition signed by residents of Reno County, Kans., requesting more adequate pension legislation for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6928. Also, petition signed by the residents of Fort Dodge, Kans., requesting legislation for the benefit of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

6929. By Mr. HOWARD of Nebraska: Petition signed by Sophia Hickok, of Columbus, Nebr., and some 60 others, of Columbus, Nebr., praying for the passage of legislation to aid the suffering survivors of the Civil War and the widows of the veterans of the late Civil War; to the Committee on Invalid Pensions.

6930. By Mr. HUDSON: Petition of citizens of Flint, Mich., and Livingston County, Mich., urging favorable consideration of legislation increasing pensions for the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6931. By Mr. IRWIN: Petition of J. C. Henry, 3252 Waverly Avenue, East St. Louis, Ill., et al., praying for the enactment of legislation in behalf of Civil War veterans and widows of Civil War veterans at this session of Congress; to the Committee on Invalid Pensions.

6932. By Mr. KINDRED: Petition of the Merchants Association of New York, urging the Congress of the United States to enact into law at an early date House bill 10644, by Congressman BACHARACH, which provides certain increases in the amount of compensation paid to employees in the customs service; to the Committee on Ways and Means.

6933. By Mr. LINDSAY: Petition of the American Agricultural Chemical Co., protesting against Muscle Shoals resolution now before the House on the grounds that it is un-American, confiscatory, and destructive of the fertilizer industry; to the Committee on Military Affairs.

6934. By Mr. McFADDEN: Petition of residents of Little Meadows, Warren County, Pa., to bring to a vote the Civil War pension bill, granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

6935. By Mr. MAGRADY: Petition of Anna R. Acor, of Potts Grove, Pa., and 29 other citizens of the same community, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

6936. Also, petition of Rozell Porter and 41 other citizens of Sullivan County, Pa., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6937. By Mr. MEAD: Petition of the Senate of the State of New York, pertaining to an all-American ship canal; to the Committee on Rivers and Harbors.

6938. Also, petition of Willard G. Lockwood, of Buffalo, N. Y., favoring the passage of the Tyson-Fitzgerald bill for the retirement of disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

6939. By Mr. MILLIGAN: Petition signed by citizens of Stanberry, Gentry County, Mo., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying certain proposed increases of pensions; to the Committee on Invalid Pensions.

6940. By Mr. O'CONNELL: Petition of the Merchants Association of New York, favoring the passage of the Bacharach bill (H. R. 10644) providing for certain increases in the amount of compensation paid to employees in the customs service; to the Committee on Ways and Means.

6941. Also, petition of Hon. Louis A. Cuvillier, member of assembly, State of New York, favoring the Tyson-Fitzgerald

bill for disabled emergency officers; to the Committee on Military Affairs.

6942. Also, petition of the Pershing Square Post, No. 957, American Legion, New York City, favoring the passage of Senate bill 660 and House bill 10422, designed to give credit to the employees of the Post Office Department for service in the military and naval forces of the United States during wars, expeditions, and military occupations; to the Committee on the Post Office and Post Roads.

6943. By Mr. RATHBONE: Petition by 50 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill giving an increase of pension to widows of Civil War veterans; to the Committee on Invalid Pensions.

6944. By Mr. RUBEY: Petition of the voters of Phelps County, Mo., for more liberal pension laws for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6945. By Mr. SWICK: Petition of West Liberty United Presbyterian Church, of Butler County, Pa., for the enactment of House bill 78; to the Committee on the District of Columbia.

6946. Also, petition of Slippery Rock United Presbyterian Church, Butler County, Pa., for the enactment of House bill 78; to the Committee on the District of Columbia.

6947. By Mr. TEMPLE: Resolution of John Ashley Dennis, jr., Post No. 437, Philipsburg, Pa., protesting against the enactment of Senate bill 777, making eligible for retirement under certain conditions disabled emergency officers of the World War and rewarding them not according to their disability but according to their rank; to the Committee on World War Veterans' Legislation.

6948. Also, petition of Emma A. Wood and Myrtle Parker, of Holbrook, Greene County, Pa., in support of legislation increasing the rate of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

SENATE

THURSDAY, April 19, 1928

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

O Lord God, Thou God of hope, praise be to Thee for the hope that lives with us and for the hope that is set before us, for the assurance through faith both in things seen and temporal and in things unseen and eternal.

We thank Thee that we as a nation may calmly face the future now we have proved the past; that under Thy teaching we have learned that patience worketh experience and experience hope.

Grant, O God, that Thy love may be spread abroad in our hearts through the Holy Ghost which is given us. Keep undimmed the bright skies of hope that shine upon our brave young Nation. Teach us that naught can shadow our far-flung horizon, beckoning to still happier and more glorious days, save sin, which is the ruin and shame of every people. Save us from sordid manhood and besotted womanhood, from the lust of the flesh, the lust of the eyes, and the pride of life.

And may the God of hope fill us with all joy and peace in believing that we may abound in hope through the power of the Holy Ghost. Through Jesus Christ our Lord. Amen.

The legislative clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 754. An act for the relief of certain Porto Rican taxpayers;

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes;

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field;

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;